

Icelanders and the Kings of Norway

Mediaeval Sagas and Legal Texts



Patricia Pires Boulhosa



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ICELANDERS AND THE KINGS OF NORWAY

THE NORTHERN WORLD

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ICELANDERS AND THE KINGS OF NORWAY

Mediaeval Sagas and Legal Texts

BY

PATRICIA PIRES BOULHOSA



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To Durval Boulhosa
in memoriam

CONTENTS

Preface	xi
Conventions	xiii
Abbreviations	xv
 Introduction	 1
 Chapter One Mediaeval Icelandic Sagas: Methodological Considerations	 5
1 Introduction	5
2 The attribution of the authorship of <i>Heimskringla</i> to Snorri Sturluson	6
3 Textual criticism and manuscript culture	21
4 Sagas as historical sources	32
 Chapter Two The Law of Óláfr inn Helgi	 43
1 Introduction	43
2 <i>Grágás</i> in historical and literary studies	45
3 The <i>Ólafslög</i> within the <i>Grágás</i> (<i>Konungsbók</i>)	59
4 The Norwegian king's power over Icelanders	64
5 Icelanders and Norwegians	75
6 <i>Hauldr—hǫldr</i>	80
7 Conclusion	85
 Chapter Three Documents of the Icelandic Submission	 87
1 Introduction	87
2 The sagas and the Icelandic submission	91
3 The Icelandic annals and the Icelandic submission	101
4 The evidence of sagas and annals: conclusion	105
5 <i>Gizurarsáttmáli</i> and <i>Gamli sáttmáli</i> : terminology	106
6 Documents from 1400 to 1500	110
6.1 Invocatory clause and oath	112
6.2 Introductory clause	115
6.3 <i>Skattr</i> and <i>þingfararkaup</i>	117
6.4 Summons to go abroad	119

6.5	<i>Logmenn</i> and <i>sýslumenn</i>	121
6.6	Sea-going ships	124
6.6.1	Icelandic trade in the fourteenth and fifteenth centuries	132
6.7	Other clauses	139
6.8	Documents from 1400 to 1500: conclusion	142
7	Documents from 1500 to 1600	144
8	Conclusion	150
Chapter Four Relations between Icelanders and the Early Rulers of Norway as Depicted in <i>Möðruvallabók</i>		
1	Introduction	154
2	The <i>Möðruvallabók</i> manuscript	155
3	Haraldr inn hárfagri and the settlement of Iceland in <i>Egils saga</i>	160
4	Haraldr inn hárfagri and the settlement of Iceland in the other texts of the <i>Möðruvallabók</i> manuscript	173
5	<i>Finnboga saga</i> and the settlement of Iceland	179
6	Icelanders and the Norwegian court	182
6.1	Chieftains in Iceland and Norway	183
6.2	Challenging royal power	187
6.3	The Icelandic free-men	193
6.4	The guardians of the law	195
7	Presentations of the settlement of Iceland: <i>Haralds saga ins hárfagra</i> (<i>Fríssbók</i>) and other sagas	197
8	Conclusion	205
Conclusion		210
Appendix 1. <i>Ólafslög</i>		214
Appendix 2. Documents of the submission		216
Appendix 3. Haraldr inn hárfagri in the <i>Íslendingasögur</i>		228
Bibliography		233

PREFACE

During the months that it has taken me to prepare this book, I have imposed myself on the generosity of many people. Paul Bibire has been a friend and advisor throughout, extremely generous with his time and knowledge, and patient with my endless requests; I owe him my unreserved gratitude. Barbara Crawford has helped me on crucial occasions; this book would never have been published without her and Jón Viðar Sigurðsson's enthusiastic support. Már Jónsson read the Ph.D. version of Chapter 3 and suggested many important structural changes, and also provided me with transcriptions of manuscripts, suggestions, and advice. Peter Foote read an early version of Chapter 2; his suggestions and corrections were greatly helpful and very timely. I am also grateful to Ralph O'Connor for his countless suggestions for improvements of earlier drafts of this book. Bjarni Einarsson once shared his ideas on *Egils saga* with me and I owe him my gratitude. Paul Ries has generously shared his knowledge of sixteenth- and seventeenth-century Scandinavia. I received various linguistic help from Thomas Bredsdorff, Annamaria Costanzo, Matthew Driscoll, Ricarda Gehrke, Jonathan Grove, Rosalind Love, Helen Marmion, Matthew Matthias, John O'Gorman, Marion Pellon, Agnes Sigtryggsdóttir, and Monica White. I should also like to thank Christopher Abram, Haki Antonsson, Lisa Collinson, David Dumville, Mozar Costa de Oliveira Filho, Andy Orchard, Judy Quinn, Eduardo Spiller, Jana Kate Schulman, Martin Syrett, Al Vining, Randi Wærdahl, and Andrew Zurcher. I am grateful to Andrea Van Weenen for authorizing me to have a copy of her OTA edition of *Möðruvallabók*. I also thank the staff at Stofnunar Árna Magnússonar á Íslandi, especially Sigurgeir Steingrímsson.

This book is dedicated to the memory of my father, Durval Boulhosa. To him, to my mother, Nayda Boulhosa, and to my husband, Christopher Burlinson, I owe everything.

CONVENTIONS

Legal texts have been divided into books, chapters and sections whenever possible. References to legal texts are given by chapter and section (marked §), whenever possible, and page number. References to all sagas are also given by chapter and page number, whenever possible.

Quotations are given as they appear in the specified editions of texts used in this book. In the body of the text, as well as in the translations, I have not translated Norwegian and Icelandic place-names, and have used standardized Old Icelandic. I have not translated personal names into English; they are given in the language in which the text is quoted. The form *Kormaks saga* and the personal name Kormakr are preferred, according to Einar Ól. Sveinsson, ‘Kormakr the Poet and his Verses’, *Saga-Book*, 17 (1966–69), 18–60 (p. 19, fn. 1).

All translations are my own, except when stated otherwise. I have tried to avoid too many paraphrases, and if the texts sometimes sound slightly awkward in English, I hope they are still clear and intelligible.

In Chapter 4, I have used the *Íslensk fornrit* series for quotations of the sagas of the manuscript *Möðruvallabók* (AM 132 fol.), but have compared the text in these editions to the diplomatic edition of the manuscript by Andrea Van Arkel-De Leeuw Van Weenen. When there is a significant omission or addition relevant to my analysis, I have pointed out disparities between the texts. The manuscript-dating in *Ordbog over det norrøne prosaprog: Registre* is adopted throughout, unless stated otherwise.

ABBREVIATIONS

Full bibliographical references to the works mentioned in the list below are given in the bibliography at the end of this book.

<i>ÁBp</i>	<i>Árna saga biskups</i>
<i>Ágr</i>	<i>Ágrip af Noregskonunga sógum</i>
AM	Den arnamagnæanske håndskriftsamling—Det arnamagnæanske institut, Copenhagen & Stofnun Árna Magnússonar á Íslandi, Reykjavík
<i>AnnFlat</i>	<i>Flatøbogens Annaler</i> , in <i>Islandske annaler indtil 1578</i>
<i>AnnL</i>	<i>Lögmanns-annáll</i> , in <i>Islandske annaler indtil 1578</i>
<i>AnnReg</i>	<i>Annales regii</i> , in <i>Islandske annaler indtil 1578</i>
<i>AnnRes</i>	<i>Annales Reseniani</i> , in <i>Islandske annaler indtil 1578</i>
<i>AnnSk</i>	<i>Skálholts-Annaler</i> , in <i>Islandske annaler indtil 1578</i>
<i>Band</i>	<i>Bandamanna saga</i>
<i>Bárð</i>	<i>Bárðar saga</i>
Cleasby-Vigfusson	Richard Cleasby and Gudbrand Vigfusson, supplemented by William Craigie, <i>An Icelandic-English Dictionary</i>
DG	Delagardieska samlingen, Uppsala Universitetsbibliotek
<i>DI</i>	<i>Diplomatarium Islandicum</i>
<i>DN</i>	<i>Diplomatarium Norvegicum</i>
DonVar	E donatione variorum, Det kongelige bibliotek, Copenhagen
<i>Eb</i>	<i>Eyrbyggja saga</i>
<i>Eg</i>	<i>Egils saga Skalla-Grímssonar</i>
<i>Finnb</i>	<i>Finnboga saga</i>
<i>Flóam</i>	<i>Flóamanna saga</i>
<i>Fritzner</i>	Johan Fritzner, <i>Ordbog over det gamle norske sprog</i>
<i>Fær</i>	<i>Færeyinga saga</i>
Germ	Deutsche Staatsbibliothek, Berlin
<i>Gísl</i>	<i>Gísla saga Súrssonar</i>
GKS	Den gamle kongelige samling—Det kongelige bibliotek, Copenhagen & Stofnun Árna Magnússonar á Íslandi, Reykjavík

<i>Glúm</i>	<i>Víga-Glúms saga</i>
<i>Gr</i>	<i>Grettis saga Ásmundarsonar</i>
<i>GrgKon</i>	<i>Grágás: Islændernes lovbog i fristatens tid udgivet efter det kongelige biblioteks haandskrift</i>
<i>GrgSkál</i>	<i>Grágás: stykker, som findes i det Arnemagnæanske haandskrift nr. 351 fol.—Skálholtsbók</i>
<i>GrgStað</i>	<i>Grágás efter det Arnemagnæanske Haandskrift nr. 334 fol.—Staðarhólsbók</i>
<i>Gunnl</i>	<i>Gunnlaugs saga ormstungu</i>
<i>HákEirsp</i>	<i>Hákonar saga Hákonarsonar, in Eirspennill AM 47 fol.</i>
<i>HákFlat</i>	<i>Hákonar saga Hákonarsonar, in Flateyjarbók</i>
<i>HákFrís</i>	<i>Hákonar saga Hákonarsonar, in Codex Frisianus (Fríssbók)</i>
<i>Hallfr</i>	<i>Hallfredar saga</i>
<i>Harð</i>	<i>Harðar saga</i>
<i>HarHár</i>	<i>Haralds saga ins hárfagra, in Codex Frisianus (Fríssbók)</i>
<i>Holm</i>	<i>Kungliga biblioteket, Stockholm</i>
<i>Íslb</i>	<i>Íslendingabók</i>
<i>Jb</i>	<i>Jónsbók: Kong Magnus Hakonssons lovbog for Island vedtaget paa Altinget 1281 og Réttarbætr</i>
<i>Korm</i>	<i>Kormaks saga</i>
<i>KL</i>	<i>Kulturhistorisk leksikon for nordisk middelalder fra vikingetid til reformationstid</i>
<i>Laxd</i>	<i>Laxdæla saga</i>
<i>LBp</i>	<i>Lárentíus saga biskups</i>
<i>Ldn</i>	<i>Landnámabók</i>
<i>Lexicon Poeticum</i>	<i>Sveinbjörn Egilsson and Finnur Jónsson, Lexicon poeticum antiquæ linguae septentrionalis</i>
<i>MagGóðEirsp</i>	<i>Magnúss saga góða, in Eirspennill AM 47 fol.</i>
<i>MagHák</i>	<i>Magnúss saga Hákonarsonar, in Icelandic Sagas and Other Historical Documents</i>
<i>Möðruvallabók</i>	<i>Möðruvallabók: AM 132 fol., transcribed by Andrea van Arkel-De Leeuw van Weenen (2 vols)</i>
<i>NgL</i>	<i>Norges gamle love indtil 1387 (5 vols)</i>
<i>Nj</i>	<i>Brennu-Njáls saga (Njáls saga)</i>
<i>NRA</i>	<i>Riksarkivet, Oslo</i>
<i>ÓH</i>	<i>Saga Óláfs konungs hins helga</i>
<i>ONP</i>	<i>Ordbog over det norrøne prosaprog: Registre</i>
<i>OSTór</i>	<i>Orms þáttur Stórolfssonar</i>
<i>ÓT</i>	<i>Saga Ólafs Tryggvasonar, in Codex Frisianus (Fríssbók)</i>
<i>SnE</i>	<i>Edda Snorra Sturlusonar</i>

Steph	M. Stephensens samling—Det arnamagnæanske institut, Copenhagen
Stu	<i>Sturlunga saga efter membranen Króksfjarðarbók udfyldt efter Reykjarfjarðarbók</i>
Sv	<i>Sverris saga efter Cod. AM 327 4º</i>
Svarfd	<i>Svarfdæla saga</i>
SvEirsp	<i>Sverris saga, in Eirspennill AM 47 fol.</i>
Vatn	<i>Vatnsdæla saga</i>
Vígl	<i>Víglundar saga</i>
WolfAug	Die Augusteischen Handschriften
ÞTjald	<i>Þorsteins þáttir tjaldstæðings</i>

INTRODUCTION

Towards the end of the ninth century, many Norwegians decided to leave their country in order to settle in Iceland, and the events that surrounded this migration are recounted in many thirteenth- and fourteenth-century Icelandic sagas. For more than three centuries, Icelanders did not recognize the Norwegian king as their ruler; it was only in the thirteenth century that they submitted to the Norwegian crown. My book discusses the ways in which the relations between Icelanders and the Norwegian kings are described in sagas, annals, legal texts and diplomatic letters. Rather than discussing kingship as an abstract concept, I examine the ways in which these different sources describe and interpret the relation between the Norwegian kings and the Icelanders, and the contradictions and connections that exist between these views.

Nineteenth- and twentieth-century scholars have generally assumed that these sources were written by free Icelanders in a free commonwealth, owing little or no attachment to the Norwegian king. The use of the word 'commonwealth', with its suggestions of anti-monarchical attitudes, to describe the period before submission shows the bias of scholarly opinion on the subject of the Icelandic submission. The study of legal texts, however, suggests that thirteenth-century Icelanders were not so free from the influence of the Norwegian crown as has been supposed, and that Norwegian kings did indeed have administrative and punitive power over Icelanders. It also reveals that the basis of the relations between the Icelanders and the kings of Norway was a continuous process of negotiation: both of the rights and obligations of Icelanders and of the status of their relationship to the king. The saga narratives do not take an unambiguously monarchist or anti-monarchical stance; rather, as I show, they provide evidence of a process of thought, still ongoing at the times when the sagas were composed, about the ideas of monarchy which accompanied that negotiation.

Chapter 1 of this book discusses two significant methodological questions upon which my choice and treatment of primary sources are founded: the notion of the 'authorship' of the mediaeval texts and their classification into historical or literary texts. My analysis

considers the authorship of mediaeval texts within the context of manuscript production and the theoretical division between history and fiction which is commonly imposed upon the mediaeval text. As a discussion of the status of the ‘author’ in mediaeval manuscript culture, the first part of the chapter concentrates on Snorri Sturluson’s presumed authorship of two works, *Egils saga* and *Heimskringla*. The attribution of *Heimskringla* to Snorri first appears during the sixteenth century, and I investigate it within this immediate historical context. I conclude that both works, as well as other mediaeval Icelandic texts, are best seen as anonymous works. In a justification of my use of mediaeval Icelandic sagas as historical sources, I reject their conventional treatment within a theoretical duality which distinguishes between works of history and works of fiction, and which attempts to place the sagas in one or other of these categories. Like the modern concept of authorship, the modern distinction between history and fiction does not apply to mediaeval texts.

In Chapters 2 and 3, I re-evaluate the connections between sagas and legal texts: in doing so, I re-examine the context within which mediaeval Icelandic views of the country’s relations with Norwegian kings developed. My study proceeds by integrating an analysis of legal texts, firmly grounded in the history and theory of legal thought, with discussions of other mediaeval Icelandic narratives, such as sagas. Chapter 2 examines the relation between Icelanders and the kings of Norway as it appears in an eleventh-century law issued by King Óláfr inn helgi of Norway. This law survives only in thirteenth-century manuscripts: I examine the significance of the appearance of this law in manuscripts of that time, and discuss the legal texts within the historical context of manuscript production. The ancestral connections between Iceland and Norway are examined with regard to the saga narrators’ claim to a noble Norwegian ancestry. I also examine the power which the king could exercise in Iceland, and suggest that it is greater than has previously been thought. In Appendix 1, I provide a transcript of this legal text.

In Chapter 3, I investigate the agreements made between Icelanders and Norwegian kings on the occasion of the submission of the Icelanders between the years 1262 and 1264, known as *Gizurarsáttmáli* and *Gamli sáttmáli*. Historiographically, these agreements are crucial documents, which form the basis of modern perceptions of this event. In order to explain the historical scenario, traditional scholarship has produced a synthesis by generalizing from all the relevant sagas and narratives related to this period; the differences between these accounts

are not assessed individually but are filled in by clauses found in documents such as *Gizurarsáttmáli* and *Gamli sáttmáli*. I begin by assessing the fourteenth-century evidence of the Icelandic submission in the sagas and annals: rather than picking up every piece of narrative and assembling them into a single, coherent picture, I assess their evidence separately; only after this individual assessment are they brought together to compose the whole. Subsequently, through a textual, legal and historical analysis of the fifteenth-century documents of the submission, I will question the ways in which they have been assessed and understood by modern scholars, and also the way in which their historicity, and historical validity, has been constructed. I suggest that these documents are fifteenth-century fabrications and do not reflect the historical situation of Iceland in the thirteenth century. On the contrary, they seem to reflect the economical and social circumstances of the fifteenth century. I then conclude by briefly analysing the re-writing of these fabricated documents of the submission in the sixteenth century during the historiographical revival discussed in Chapter 1.

The re-evaluation of the connection between sagas and legal texts, carried out in Chapters 2 and 3, permits a re-examination of the context within which the relations between Icelanders and the kings of Norway developed. Through this analysis, I come to an understanding of the Icelandic submission as a gradual process, rather than as a single crucial event. Chapter 4 looks within saga narratives, for corroboration of and test-cases for this analysis: it discusses the different registers and expressions of the relation between Icelanders and the Norwegian kings within the sagas contained in the fourteenth-century manuscript *Möðruvallabók*. By choosing to analyse the sagas contained in *Möðruvallabók*—rather than making a selection based on generic categories of sagas, or classifications of their subject matter—I show how the view of the relation between Icelanders and the Norwegian king emerges historiographically, in the context of the thirteenth and fourteenth centuries, the period during which the sagas were composed and the manuscript written, and is expressed at a particular period.¹ I argue that the views of kingship that emerge from *Möðruvallabók* fit very closely to the views that I derive from

¹ As I discuss in Chapter 4, this particular time is the fourteenth century, when the *Möðruvallabók* manuscript was written, but since there is evidence that the sagas in the manuscript were composed in the thirteenth century, the period under discussion is therefore the thirteenth and fourteenth centuries.

my re-reading of the Icelandic legal texts. Icelanders did not see the influence and power of the Norwegian king as something to be avoided at all costs or to be necessarily resisted; they were ready to negotiate with the king in order to benefit themselves. The position of the Icelanders with regard to the Norwegian king was hybrid: partly subjects of the king, and partly beyond his power.

CHAPTER ONE

MEDIAEVAL ICELANDIC SAGAS: METHODOLOGICAL CONSIDERATIONS¹

1 *Introduction*

In the present chapter I shall discuss two significant methodological questions which underlie and inform my treatment of my primary sources: the notion of the ‘authorship’ of mediaeval texts—and in particular of the mediaeval Icelandic sagas—and the theoretical division between history and literature which is commonly imposed upon the mediaeval text. This chapter is concerned primarily with the mediaeval Icelandic sagas that are used as comparative material in the other chapters of this book; it is not intended to discuss all the methodological questions which the present study raises. Nor is it meant as a self-contained and solitary declaration of methodology; further methodological questions which arise in later chapters will be discussed as they become relevant. My emphasis on the methodological problems concerning the sagas is not meant to imply that the legal texts, annals, and diplomatic documents which I will discuss do not also present methodological problems. Rather, it is a consequence of the fact that the two problems described above, which require lengthy exposition—the question of authorship and the division of history and fiction—do not apply to legal texts, annals and diplomatic documents in the same way that they apply to sagas.

* * *

¹ A shorter version of this chapter was presented to the Anglo-Saxon, Norse, and Celtic Graduate Seminar in the University of Cambridge in February 2000. I am indebted to those present for their helpful responses.

It seems almost conventional that a work intended to analyse the relations between Norwegian kings and Icelanders should at some stage concentrate on the biography of, and works allegedly written by, Snorri Sturluson. *Heimskringla*, which was supposedly written by Snorri, has a central place in the study of views of kingship in mediaeval Iceland, as does *Egils saga*, which is also believed by many scholars to be another of Snorri's works. The present chapter is not primarily intended to prove that these attributions of authorship are unsubstantiated; Jonna Louis-Jensen, Jon Gunnar Jørgensen, Alan J. Berger, and Margaret Cormack have emphasized different problems within the evidence that has been used to support Snorri's authorship of *Heimskringla*.² The discussion about Snorri's authorship is used as an example, or case-study, for discussing the authorship of (largely anonymous) mediaeval Icelandic texts. Firstly, I will study the sixteenth-century historical background in which the idea of the authorship of mediaeval Icelandic texts developed, a study which will also be of relevance to my discussion of the so-called *Gizurarsáttmáli* in Chapter 3. Then I shall analyse how the modern acceptance of these attributions was made possible by an established tradition of textual criticism. As an illuminating counter-example of how a revised textual criticism can change our perceptions of a set of texts, I make repeated reference throughout this chapter to a number of scholars who have, since the early 1980s, created a new approach to the various and often divergent texts of Shakespeare's plays.

2 *The attribution of the authorship of Heimskringla to Snorri Sturluson*

Sigurður Nordal was not the first to assert that Snorri Sturluson was the author of *Egils saga*, but it was with his *Íslenzk fornrit* edition of the saga, in 1933, that the idea, in its contemporary shape, gained strength and thrived.³ Nordal's efforts to establish Snorri's authorship

² Jon Gunnar Jørgensen, "“Snorre Sturlesøns fortale paa sin chronike”: Om kildene til opplysningen om *Heimskringlas* forfatter", *Gripla*, 9 (1995), 45–62; Jonna Louis-Jensen, 'Heimskringla: Et værk af Snorri Sturluson?', *Nordica Bergensia*, 14 (1997), 230–45; Alan J. Berger, 'Heimskringla and the Compilations', *Arkiv för nordisk filologi*, 114 (1999), 5–15; Margaret Cormack, 'Egils saga, Heimskringla, and the Daughter of Eiríkr blóðox', *Alvismál*, 10 (2001), 61–68. Louis-Jensen suggests that Óláfr Þórðarson hvítaskald compiled *Heimskringla*.

³ Sigurður Nordal, 'Formáli', in *Egils saga Skallagrímssonar*, *Íslenzk fornrit*, 2

of *Egils saga* derived from almost a century of debate about the similarities and dissimilarities between *Egils saga* and *Heimskringla*, a debate which centred on the historicity of *Egils saga*. In 1872, Edwin Jessen assessed the authenticity and reliability of *Egils saga* as a historical source, and although he did not want to prove that Snorri wrote both sagas, he compared passages in *Egils saga* and some kings' sagas, including *Heimskringla*.⁴ From Jessen onwards, a method of finding correspondences between *Egils saga* and *Heimskringla* was especially developed in order to ascertain which work relied on the other.⁵

(Reykjavík: Hið íslenska fornritafélag, 1933, repr. 1988), pp. v–cv (pp. lxx–lxxi) points out that as early as 1818, Nicolai F. S. Grundtvig said that Snorri could have been the author of *Egils saga*. Grundtvig, in *Norges Konge-Kronike af Snorro Sturleson*, trans. by Nicolai F. S. Grundtvig (Copenhagen: Bekostet af Kronikens Danske og Norske Benner, 1818), I, p. xxix, says that “Giætte kunde man end videre med Rimelighed paa, at Snorro er Manden for den mellem Sagaerne udmærkede Eigla” [Moreover, one may feel reasonably inclined to suppose that Snorri is the man behind sagas as remarkable as *Egils saga*]. Guðbrandur Vigfússon, ‘Prolegomena’, in *Sturlunga saga: Including ‘The Islendinga Saga’ of Laumann Sturla Thordsson and Other Works*, 2 vols (Oxford: Clarendon Press, 1878), I, pp. xvii–ccxiv (p. xlviii), remarks that the style of *Egils saga* resembles “in a marked degree that of Snorri”. Vésteinn Ólason, ‘Er Snorri höfundur *Egils sögu*?’ *Skírnir*, 142 (1968), 48–67 (pp. 49–53) and Melissa A. Berman, ‘*Egils saga* and *Heimskringla*’, *Scandinavian Studies*, 54 (1982), 21–50, present a detailed review of scholarship about the correspondences between *Egils saga* and *Heimskringla*, as does Kolbrún Haraldsdóttir, ‘Hvenær var *Egils saga* rituð?’, in *Yfir Íslandsála: Afmælisrit til heidurs Magnúsi Stefánssyni sextugum 25. desember 1991*, ed. by Gunnar Karlson and Helgi Þorláksson (Reykjavík: Sögufraeðslusjóður, 1991), pp. 131–45 (pp. 131–37), though her article focuses on the dating of *Egils saga*.

⁴ Edwin Jessen, ‘Glaubwürdigkeit der *Egils-Saga* und anderer Isländer-Saga’s’, *Historische Zeitschrift*, 28 (1872), 61–100.

⁵ In chronological order, the main works are Gustav Storm, *Snorre Sturlassens historieskrivning: en kritisk undersøgelse* (Copenhagen: Bianco Lunos, 1873); G.A. Gjessing, ‘*Egils-saga*’s Forhold til Kongesagaen’, *Arkiv för nordisk filologi*, 2 (1885), 289–318; Björn M. Ólsen, ‘Landnáma og *Egils saga*’, *Aarbøger for nordisk oldkyndighed og historie* [2 række], 19 (1904), 167–247 (pp. 202–33) and ‘Er Snorri Sturluson höfundur *Egils sögu*?’ *Skírnir*, 79 (1905), 363–68; Johan Schreiner, *Saga og oldfunn: studier til Norges eldste historie*, Det norske videnskaps-akademi i Oslo—Historisk-filosofisk klasse, 4 (Oslo: Dybwad, 1927), pp. 1–20; Nordal, ‘Formáli’, pp. v–cv; Bjarni Aðalbjarnarson, ‘Formáli’, in *Heimskringla*, Íslensk fornrit, 26 (Reykjavík: Hið íslenska fornritafélag, 1941; repr. 1979), pp. v–cxl; Bjarni Einarsson, *Litterære forudsætninger for ‘Egils saga’*, Stofnun Árna Magnússonar á Íslandi, 8 (Reykjavík: Stofnun Árna Magnússonar, 1975); Jónas Kristjánsson, ‘*Egils saga* og konungasögur’, in *Sjötiú ritgerðir helgaðar Jakobi Benediktssyni 20. júlí 1977*, ed. by Einar G. Pétursson and Jónas Kristjánsson, Stofnun Árna Magnússonar á Íslandi, 12, 2 vols (Reykjavík: Stofnun Árna Magnússonar á Íslandi, 1977), II, pp. 449–72 and ‘Var Snorri Sturluson upphafsmaður Íslendingasagna?’, in *Andvari*, 115 (1990), 85–105. In the above-mentioned ‘*Egils saga* and *Heimskringla*’, Berman extends Kristjánsson’s analysis of correspondences. Some scholars have looked into linguistic correspondences between *Egils saga* and *Heimskringla*; under the assumption that Snorri wrote the latter, they attempt to prove that he also wrote the former. Peter Hallberg, *Snorri Sturluson och Egils Saga Skalla Grímssonar*:

Even though these approaches arrive at different conclusions about which of the two preceded the other, they all analyse the material of *Egils saga* and *Heimskringla* from the same perspective, namely that one was indeed written earlier and formed a basis for the other. If one began by assuming that *Heimskringla* was written first, then a passage, or even a detail, with no correspondence in *Egils saga* was considered to have been omitted, and, conversely, a passage from *Egils saga* which did not correspond to a passage in *Heimskringla* was deemed to have been added. If, on the other hand, one assumed that *Egils saga* was the earlier work, then an exactly opposite set of conclusions would be drawn. Both conclusions, though, beg the question of whether one saga was indeed re-worked from the other.

However, the circular reasoning of these arguments, supporting or rejecting the idea that Snorri wrote *Egils saga*, is not their only weakness. Their major premise is that Snorri wrote all the kings' sagas known to us as *Heimskringla*: the assumption, though a common one, is in fact far from uncontroversial.⁶ There is little clear proof that Snorri was the author of *Heimskringla*, especially in the sense in which authorship is understood within Old Norse scholarship; there are no manuscripts which explicitly claim Snorri wrote the work, and the

ett försök till språklig författarbestämning, Studia Islandica, 20 (Reykjavík: Heimspekideild Háskóla Íslands og Menningarsjóður, 1962) has developed a method of comparing the use of rare words in both works, which he uses to argue that Snorri was the author of *Egils saga*. The best review and criticism of his method is Frederico Albani Leoni, 'Sagas islandaises et statistique linguistique', *Arkiv för nordisk filologi*, 85 (1970), 138–62. Marina Meier objects to Hallberg's methodology in 'Om et nyt forsøg på at løse Eigla-gåden', *Maal og minne* (1963), 94–101, to which Hallberg responds in 'Snorri Sturluson och *Egils saga Skalla-Grimssonar*: kommentarer till en recension', *Maal og minne* (1964), 12–20. The reviews of both Lars Lönnroth in *Sammlaren*, 84 (1963), 280–85 and Bjarni Guðnason in *Skírnir*, 137 (1963), 187–90, are more sympathetic to Hallberg's endeavour. See also Lars Storléer, 'Sagaene røber sin hemmelighet', *Samtiden*, 73 (1964), 392–96. Ralph West supplements Hallberg's research with a comparison of words of high frequency in '*Egils saga* and Snorri Sturluson: A Statistical Authorship Attribution Study' (unpublished doctoral dissertation, University of North Carolina at Chapel Hill, 1974), later summarized in 'Snorri Sturluson and *Egils Saga*: Statistics of Style', *Scandinavian Studies*, 52 (1980), 163–93.

⁶ The name *Heimskringla* became canonical after Peringskiöld's edition from 1697, entitled *Heims Kringla eller Snorre Sturlusons Nordländske Konunga Sagor*. The name comes from a paper transcript, Holm papp 18 fol. (see footnotes 13 and 44 below), cf. Aðalbjarnarson, 'Formáli', p. v; Louis-Jensen, '*Heimskringla*: Et værk af Snorri Sturluson?', 231–32 and Jon Gunnar Jørgensen, *Det tapte håndskriftet KRINGLA* (Oslo: Universitetet i Oslo, 1999), pp. 17–20.

circumstances surrounding this attribution are particularly obscure. The most important piece of evidence which scholars bring forward in order to support Snorri's authorship is a Danish translation of a number of kings' sagas from about 1551, by the Norwegian Laurents Hanssøn, which was commissioned by Hans Svaning, a tutor of the Danish prince, later King Frederik II (King of Denmark and Norway from 1559 to 1588).⁷ Hanssøn's translation ends at the death of *jarl* Hákon, which corresponds to Chapter 50 of the *Óláfs saga Tryggvasonar* in a modern edition of *Heimskringla*. In the translation, the saga is preceded by a prologue, which has the following heading:

*Ihesus. / Auxilium meum A Domino etc. / Prologus Eller Fortalen til / Norske Krønicken Som kallis / Konninge Boghen / Fordansket af then Gamle Norske / af / Lau: Han: Bonde.*⁸

Jesus. My help comes from God etc. *Prologus* or Prologue to the Norwegian Chronicle which is called Book of Kings, turned into Danish from the Old Norwegian by Lau[rents]: Han[ssøn]bóndi.

Towards the end of the prologue, another rubric is added:

Her fylgir effter Aff thenn Merckelige Saughe / Scriffuere Aare prest i Isslandh oc de Bom hand / fylger i Sauger andre wittige men Bom staa / i same Fortalen Snorris Sturllis / *historiographi Noru.*⁹

Here follows by the remarkable saga-writer Ari the priest in Iceland and the other learned men whom [or 'whose stories'] he follows, as it says in the preface by Snorri Sturluson, historian of Norway.¹⁰

Finally, at the end of the prologue:

Thet som efter fylgir *in prohemio* er inthet annet æn Aara tall huilket man fynnr i sellffue kronicke om huer kong ifra Sanct Oluff oc tillforenn etc. / Her Enndis fortalenn / Snorris Sturlesenn / vdi konninge Boghen.¹¹

⁷ Cf. Jakob Benediktsson, 'Hvar var Snorri nefndur höfundur *Heimskringlu*?', *Skírnir*, 129 (1955), 118–27 (pp. 119–20).

⁸ *Laurents Hanssøns sagaoversættelse*, ed. by Gustav Storm, Videnskabselskabets skrifter—Historisk-filosofisk klasse, 1 (Oslo: Brøgger, 1899), p. 5.

⁹ *Laurents Hanssøns sagaoversættelse*, p. 6.

¹⁰ I am grateful to Thomas Bredsdorff, Matthew Driscoll and Paul Ries for their assistance in the translation of this passage. It might be possible to translate *aff* as 'concerning': "Here follows concerning the noteworthy saga-writer Ari the priest in Iceland".

¹¹ *Laurents Hanssøns sagaoversættelse*, p. 7.

That which follows in the preface is nothing other than the chronology which one finds in the chronicle itself about each king after Saint Óláfr and before etc. Here ends the prologue of Snorri Sturluson from the Book of Kings.

The name of Snorri figures in Hanssøn's translation only in the way shown above and, contrary to everything which has been written about these headings, Hanssøn does not explicitly state that Snorri is the author of the chronicle he has translated (let alone of *Heimskringla*), but he does assert that Snorri wrote a prologue in which the names of Ari inn fróði and other learned men are mentioned.

The only extant mediaeval manuscript to preserve a prologue similar to that translated by Hanssøn is the fourteenth-century *Codex Frisianus*, or *Fríssbók* (AM 45 fol.), which was probably the manuscript on which Hanssøn based most of his translation.¹² In the prologue as it appears in *Fríssbók*, however, there are neither headings nor attribution to Snorri; but since Hanssøn used another now-lost manuscript for his translation, scholars argue that the attribution to Snorri could have been found there.¹³ There is an attribution to Ari inn fróði found just after the prologue in *Fríssbók*, at the beginning of *Ynglinga saga*:

¹² See Jørgensen, “‘Snorre Sturlesøns fortale’”, p. 47; Gustav Storm, ‘Har haandskrifter af *Heimskringla* angivet Snorre Sturlassøn som kongesagaernes forfatter?’, *Arkiv för nordisk filologi*, 1 (1883), 47–61 (pp. 52–60) and Gustav Storm's introduction to *Laurents Hanssøns sagaoversættelse*, pp. iv–x (pp. vii–viii); see also Ólafur Halldórsson, ‘Sagnaritun Snorra Sturlusonar’, in *Grettisfærsla: Safn ritgerða Ólaf Halldórsson gefið út á sjötugsafmæli hans 18. April 1990*, Stofnun Árna Magnússonar á Íslandi, 38 (Reykjavík: Stofnun Árna Magnússonar, 1990), pp. 376–95 (p. 383), first published in *Snorri: átta alda minning* (Reykjavík: Sögufélag, 1979), pp. 113–38; Jonna Louis-Jensen, *Kongesagastudier: kompilationen Hulda-Hrokkinskinna*, Bibliotheca Arnamagnæana, 32 (Copenhagen: Reitzel, 1977), p. 48; Stefán Karlsson, ‘Kringum Kringlu’, in *Stafrókar: ritgerðir eftir Stefán Karlsson gefnar út í tilefni af sjötugsafmæli hans 2. desember 1998*, ed. by Guðvarður Már Gunnlaugsson (Reykjavík: Stofnun Árna Magnússonar á Íslandi, 2000), pp. 253–73 (p. 263), first publ. in *Árbók—Landsbókasafn Íslands*, n.s. 2 (1976), 5–25; and Aðalbjarnarsson, ‘Formáli’, p. vi, and footnote 13 below. Hanssøn could have had a different, perhaps longer prologue before him; see Jørgensen, “‘Snorre Sturlesøns fortale’”, p. 49 and Sverrir Tómasson, *Formálar íslenskra sagnaritara á miðöldum*, Stofnun Árna Magnússonar á Íslandi, 33 (Reykjavík: Stofnun Árna Magnússonar, 1988), pp. 382–83.

¹³ In the preface to his translation, Hanssøn declared that he had relied on two manuscripts (*Laurents Hanssøn sagaoversættelse*, p. 3). Gustav Storm changed his views on this subject on several occasions, but he finally maintained that the other manuscript used by Hanssøn was *Kringla*, the legendary manuscript thought to contain the whole of *Heimskringla* which was burned in the 1728 fire of Copenhagen. The information concerning the authorship, he argued, was in the prologue (cf. intro-

Her hefr vpp konunga bok / eptir savgn ara prestz froða / Oc héfr fyrst vm þrþivnga . skipit / heimsins . En siðan fra avllvm noregs konungum.¹⁴

Here begins the Book of Kings according to the sagas of priest Ari the learned. And it starts first about the threefold division of the world and afterwards about all the Norwegian kings.

This attribution has been disregarded. Bjarni Aðalbjarnarson, the *Íslenzk fornrit* editor of *Heimskringla*, says that “á þeim orðum verður alls ekkert mark tekið”¹⁵ [one should not take the words [i.e. of the attribution] seriously]: Ari inn fróði is thought to have died in 1148, and therefore could not have written *Magnúss saga Erlingssonar* and *Hákonar saga Hákonarsonar*, since Magnús Erlingsson’s reign did not begin until 1162.

On the one hand, Bjarni Aðalbjarnarson is right to distrust the attribution to Ari inn fróði. Authorship attributions were common throughout mediaeval and early modern Europe, and Scandinavia was no exception. Mediaeval scribes and copyists, when attributing once-anonymous works to known authors, were partly seeking to instil authority into these works. A fourteenth-century manuscript of *Gunnlaugs saga ormstungu* (Holm perg 18 4°), for example, also has a rubric crediting the work to Ari inn fróði. In this case, the *Íslenzk*

duction to *Laurents Hanssons sagaoversættelse*, p. v). In the seventeenth century, Ásgeir Jónsson transcribed the manuscript which was then kept in three volumes, AM 35 fol., AM 36 fol. and AM 63 fol., but the transcription does not contain the prologue (see *Katalog over den Arnemagneanske håndskriftsamling*, [ed. by Kristian Kålund], 2 vols (Copenhagen: Gyldendal for Kommisionen for det Arnemagneanske legat, 1889–94), I, p. 26); see also footnote 44 below. Storm maintained that when Hanssøn used the *Kringla* manuscript for his translation, it still had the prologue. Benediktsson, ‘Hvar var Snorri’, pp. 123–25 dismissed this hypothesis. Finnur Jónsson, ‘De bevarede brudstykker af skindbøgerne Kringla og Jöfraskinna i fototypisk gengivelse’, *Samfund til udgivelse af gammel nordisk litteratur*, 24 (Copenhagen, Møller, 1895), p. vi, maintained that Hanssøn had *Kringla* at hand, on the basis of comparisons he made between marginal notes on *Frissbók* and on a extant leaf from *Kringla*, both of which sets of marginal notes were written by Hanssøn. Stefán Karlsson, ‘Kringum Kringlu’, pp. 263–64, analyses these marginal notes and agrees with Jónsson that Hanssøn had *Kringla* at hand, read and wrote on it, even if he did not make much use of it for his translation. If indeed Hanssøn had *Kringla* at hand, either the manuscript did not contain an attribution, or, if it had, Hanssøn ignored it. For a summary discussion about the possible sources for the prologue in Hanssøn’s translation, see Jørgensen, “Snorre Sturlassons Fortale”, pp. 47–49.

¹⁴ *Katalog over den Arnemagneanske håndskriftsamling*, I, p. 32; see also *Codex Frisianus: en samling af norske kongesagaer*, ed. by C. R. Unger (Oslo: Mallings, 1871), p. 1.

¹⁵ Aðalbjarnarson, ‘Formáli’, p. v.

fornrit editor of the saga, Sigurður Nordal, considers that the attribution is “fáranlegur” [ridiculous].¹⁶ On the other hand, these attributions are part of the manuscripts and should be understood and analysed as such: what does the rubric in the fourteenth-century manuscript of *Gunnlaugs saga ormstungu* tell us about that particular scribe and the saga audience? Does the name of Ari inn fróði immediately imbue the narrative with truthfulness? An attribution, as much as a prologue, adds meaning to the text to which it is attached, and at the same time, guides the reader to a certain kind of interpretation. To ignore or to classify the mediaeval authorship attributions on the basis of their factual probability is to ignore a part of the text which is intended to communicate directly to the reader. Moreover, as Margaret Cormack says, the heading in *Frissbók* with the attribution to Ari, should

at the very least . . . serve as a reminder of the complexity of a work which relies extensively on earlier writings and of the uncertainty involved in assigning medieval works to individual authors.¹⁷

In the case of *Heimskringla*, there is no mediaeval attribution; it is therefore necessary to concentrate on the mentions of Snorri Sturluson and Ari inn fróði in the headings of the prologue of the sixteenth-century translation. These headings are not unambiguous; as seen above, the first heading does not mention authors; the second heading, which Hanssøn apparently wrote in order to mark a change of subject in the body of the prologue, ascribes a saga or sagas to Ari inn fróði and a prologue to Snorri Sturluson. It is noteworthy that Hanssøn connects Ari and Snorri to the sagas only implicitly, and does not attribute the work to either of them in the prologue, or in the frontispiece of the book, which reads

Her beginnes / thenn Norske Kronik / Bom kalles / Konninge Boghen / om / Danske Svenske oc Norske Konningr / oc Deris Aff Sprungk / Noghet af thennom alle / och / Mest af de Norske Kon.¹⁸

Here begins the Norwegian chronicle which is called Book of Kings concerning Danish, Swedish, and Norwegian kings and about their origin—something about them all and most about the Norwegian kings.

¹⁶ Sigurður Nordal, ‘Formáli’, in *Borgfirðinga sögur*, ed. by Sigurður Nordal and Guðni Jónsson, Íslenzk fornrit, 3 (Reykjavík: Hið íslenzka fornritafélag, 1938; repr. 1972), pp. v–clvi (p. lxii).

¹⁷ Cormack, ‘*Egils saga*, *Heimskringla*, and the Daughter of Eiríkr blóðøx’, pp. 67–68.

¹⁸ *Laurents Hanssons sagaoversættelse*, p. 1.

If, as the majority of scholars affirm, Hanssøn used *Frissbók*,¹⁹ he deliberately omitted the direct and unambiguous attribution to Ari inn fróði, although he probably took the name of the book, ‘Book of Kings’ (*Konunga bók*; *Konninge Boghen*) from it. The name of Snorri Sturluson, which does not appear in *Frissbók*, Hanssøn seems to have taken from another source: the text which follows the second heading, in which the name of Snorri is mentioned as the author of a prologue, appears as a prologue to the separate saga of Óláfr inn helgi (*Óláfs saga ins helga*) in several mediaeval manuscripts.²⁰ It seems plausible to suppose that Hanssøn knew the prologue to *Óláfs saga ins helga*—and most probably the saga itself—as Snorri’s work and, recognizing it within the prologue to *Frissbók* which he was translating, inserted the heading with the prologue attribution. Accordingly, I suggest that Hanssøn consciously manipulated the information he had before him in such a way that he could present the names of both Ari inn fróði and Snorri Sturluson. Far from an unintended ambiguity, these headings give the book an ‘authoritative authorship’. This sort of manipulation was not unusual during the period; as Marcy L. North demonstrates in a dissertation about the conventions of anonymity in Renaissance England,

early modern authors and book producers manipulated the conventions of attribution and name suppression in a remarkable variety of ways, sometimes looking back to complex medieval conventions of anonymity and sometimes responding directly to the demands of print culture.²¹

One cannot dismiss the possibility that Hanssøn could not understand the information he had before him. Jon Gunnar Jørgensen remarks that Hanssøn’s translation is inaccurate in many places and that Hanssøn “ofte har hatt problemer med å forstå teksten”²² [often had problems in understanding the text], while Egil Eiken Johnsen, who has studied Hanssøn’s translation very closely, remarks that it “er alt annet en feilfritt”²³ [is anything but flawless]. On the other

¹⁹ See footnotes 12 and 13 above.

²⁰ The prologue is found preceding *Óláfs saga ins helga* in the manuscripts Holm perg 2 4° (c. 1250–1300), AM 325 V 4° (c. 1300–1320), AM 325 VI 4° (c. 1350–1400), AM 73 b fol (c. 1370–1390), Holm perg 1 4°; see also *ÓH*, I, pp. 1–5.

²¹ Marcy Lynne North, ‘Authoring Anonymity in Renaissance England’ (unpublished doctoral dissertation, University of Michigan, 1994), pp. 15–16.

²² Jørgensen, “‘Snorre Sturlesøns Fortale’”, p. 49.

²³ Egil Eiken Johnsen, ‘Laurentz Hanssøns sagaoversettelse’, *Arkiv för nordisk filologi*,

hand, there may be a reason, which we simply do not know, why Hanssøn did not ascribe a name to the work.

I should like to suggest that the names of Ari inn fróði and Snorri Sturluson in Hanssøn's translation can be better understood within the translation's historical and literary context. At the time of Hanssøn's translation, Denmark was seeking supremacy in Scandinavia, and Sweden was struggling to keep its autonomy. Norway was a weakened and impoverished country, under Danish rule since 1386, even though the Norwegian nobility had a certain guaranteed amount of control through the Council of the Realm, the Norwegian counterpart of the King's Council.²⁴ A great blow to Norwegian autonomy came during the reign of Christian III (1534–1559), whose coronation charter, from 1536, proclaimed that Norway was to be a mere province of Denmark, which should neither be, nor be called, a kingdom.²⁵ The Council of the Realm was dissolved and the Norwegian aristocracy was left powerless. In this context, a historiographical debate, permeated by national rivalries, emerged throughout Scandinavia. Each country concentrated on constructing its own glorious past and interest turned towards the old legal codes and the sagas.²⁶

52 (1936), 159–81 (p. 166). See also his *Sagaspråk og stil: en undersøkelse av språk og stil i de tre eldste norske sagaoversettelser* (Oslo: Gyldendal, 1942), pp. 21–42.

²⁴ Ivar Libæk and Øivind Stenersen, *History of Norway: From the Ice Age to the Oil Age*, trans. by Joan Fuglesang and Virginia Siger (Oslo: Grøndahl & Son, 1991), pp. 37–38; Thomas Kingston Derry, *A History of Scandinavia: Norway, Sweden, Denmark, Finland and Iceland* (London: Allen & Unwin, 1979), pp. 69–73; see also Chapter 3, Sections 6.5 and 6.6.1 of this book.

²⁵ Alexander Bugge and others, *Norges Historie: fremstillet for det norske folk*, 6 vols in 13 (Oslo: Aschehoug, 1909–17), iv.1 (1909): *Tidsrummet 1537–1588*, ed. by Yngvar Nielsen, transcribe the charter: “Efterdi at Norges rige nu saa forringet er, baaede af magt og formue, og Norges riges indbyggere ikke alene formaar at underholde en herre og konge . . . da skal det herefter være og blive under Danmarks krone, ligesom et af de andre lande, Jylland, Fyn, Sjælland eller Skaane er, og herefter ikke være eller hede et kongerige for sig, men et ledemod under Danmarks rige og under Danmarks krone til evig tid”. (p. 9) [Whereas the kingdom of Norway has now deteriorated in both power and wealth, and the inhabitants of the Norwegian kingdom are not able, on their own, to support a lord and king . . . it shall hereafter be and remain under the crown of Denmark, just as the other lands—Jylland, Fyn, Sjælland or Skåne—are, and hereafter it shall neither be nor be called a kingdom apart, but a limb of the kingdom of Denmark and under the crown of Denmark for ever]. Øystein Rian, ‘Why Did Norway Survive as a Kingdom?’, *Scandinavian Journal of History*, 21 (1996), 49–62, inquires into this article of the coronation charter and shows how it became a liability to the Danish crown, who were careful not to repeat it in successive charters. Nevertheless, Norway did not in reality have control over its own administration, which was in the hands of Danish officials.

²⁶ For an exposition of the historiographical revival, see Theodore M. Andersson,

As Øystein Rian argues, “the conservative maintenance of the laws became a bulwark for the Norwegian national inheritance”, and the “conservative retention of the laws was combined with an interest in the old king’s sagas”.²⁷ The first printed edition of Saxo Grammaticus’ *Gesta Danorum* had already been published in Paris in 1514 by the humanist Christiern Pedersen, who took Saxo’s mention of the Icelanders as a cue to assemble excerpts from kings’ sagas, and to translate them into Danish.²⁸ In 1575 a Danish translation of Saxo’s work was published in Denmark by Anders Sørensen Vedel, who also, in 1579, published Adam of Bremen’s *Historia Ecclesiastica*.²⁹ In addition to the Norwegian chronicles by Laurents Hanssøn and Peder Claussøn (the latter of which is discussed below), *Den Norske Krønike* of Mattis Størssøn was published in 1594.³⁰ Laurents Hanssøn himself, while serving at the court of Frederik I (1523–1533), had translated some Old Norwegian laws, and perhaps it was precisely because of his expertise in the matter that he was appointed to prepare his translation of the sagas about the Norwegian kings.³¹ As was seen above, in the prologue of his translation, Hanssøn refers

The Problem of Icelandic Saga Origins: A Historical Survey, Yale Germanic Studies, 1 (New Haven: Yale University Press, 1964), pp. 1–21 and the references therein. See also Jakob Benediktsson, ‘Den vågnende interesse for sagalitteraturen på Island i 1600-tallet’, in *Lærdómslistir: Afmælisrit 20. Júlí 1987* (Reykjavík: Mál og Menning, 1987), pp. 227–41, first publ. in *Maal og Minne* (1981), 157–70 and Þorsteinn Helgason, ‘The Case of the Turkish Raid in Iceland’, *Scandinavian Journal of History*, 22 (1997), 275–89 (p. 281). Interest in mediaeval historical chronicles flourished in Europe during this period: see Lucien Febvre and Henri-Jean Martin, *L’apparition du livre* (Paris: Albin Michel, 1958; repr. 1999), pp. 392–94. For an overview of the circulation and translation of Icelandic works in Norway and Denmark during this period, see Jon Gunnar Jørgensen, ‘Fornmenntamenn uppgötva konungasögurnar’, *Skáldskaparmál*, 3 (1994), 144–52.

²⁷ Rian, ‘Why Did Norway Survive as a Kingdom?’, p. 58.

²⁸ Jørgensen, *Det tapte håndskriftet KRINGLA*, p. 22. For Saxo’s mention of Icelandic sources, see footnote 32 below.

²⁹ Waldemar Westergaard, ‘Danish History and Danish Historians’, *Journal of Modern History*, 24 (1952), 167–80 (p. 168). For a discussion of Saxo in the context of sixteenth-century humanism, see also Karsten Friis-Jensen, ‘Historiography and Humanism in Early Sixteenth-century Scandinavia’, in *Acta Conventus Neo-Latini Torontoensis: Proceedings of the Seventh International Congress of Neo-Latin Studies, Toronto, 8 August to 13 August 1988*, ed. by Alexander Dalzell, Charles Fantazzi and Richard J. Schoeck (New York: Center for Medieval and Early Renaissance Studies, 1991), pp. 325–33, and *Danish Medieval History & Saxo Grammaticus: A Symposium Held in Celebration of the 500th Anniversary of the University of Copenhagen*, ed. by Karsten Friis-Jensen (Copenhagen: Museum Tusculanum Press, 1981).

³⁰ See Mattis Størssøn, *Den norske Krønike*, ed. by Mikjel Sørle (Oslo: Universitetsforlaget, 1962), pp. vii–xiv.

³¹ Benediktsson, ‘Hvar var Snorri’, p. 120.

to Snorri as the ‘historiographus Noru’, a denomination in tune with Saxo Grammaticus’ laudatory account of the Icelanders which is found in his *Gesta Danorum*.³² If Saxo’s work gave Danish historiography a foundation for ascribing great authority to the Icelandic sources, Norwegian historiography was left with a number of anonymous sagas, dispersed throughout Scandinavia.³³ Through Saxo’s work, the Icelandic sources had already been sanctioned; the attachment of a name—or, in this case, the names of two historiographers—to the dispersed collection of sagas could only give these anonymous works the same sort of authority which Saxo’s work possessed. These facts do not prove that Hanssøn’s preface and attributions are false, and it is not the objective of this study to assert that they were, but the evidence supporting the attribution, based on Hanssøn’s translation, is hedged around with circumstances which should warn us to be cautious.

Scholars usually bring forward another piece of evidence to sustain their claim that Snorri wrote *Heimskringla*: the writings of a Norwegian priest, Peder Claussøn, who, about 1599, also presented

³² See Saxo Grammaticus, *Saxonis gesta danorum*, ed. by J. Olrik and H. Raeder with Franz Blatt, 2 vols (Copenhagen: Levin & Munksgaard, 1931–57), 1, p. 5: “Nec Tylensium industria silentio oblitteranda: qui cum ob nativam soli sterilitatem luxuriæ nutrimentis carentes officia continuæ sobrietatis exerceant omniaque vitæ momenta ad excolendam alienorum operum notitiam conferre soleant, inopiam ingenio pensant. Cunctarum quippe nationum res gestas cognosse memoriæque mandare voluptatis loco reputant, non minoris gloriæ iudicantes alienas virtutes disserere quam proprias exhibere. Quorum thesauros historicarum rerum pignoribus refertos curiosius consulens, haud parvam præsentis operis partem ex eorum relationis imitatione contexui, nec arbitros habere contempsî, quos tanta vetustatis peritia callere cognovi”. Translation from *Saxo Grammaticus: The History of the Danes Books I–IX*, ed. by Hilda Ellis Davidson and translated by Peter Fisher (Bury St Edmunds: Brewer, 1979; repr. 1998), p. 5: “The diligence of the men of Iceland must not be shrouded in silence; since the barrenness of their native soil offers no means of self-indulgence, they pursue a steady routine of temperance and devote all their time to improving our knowledge of others’ deeds, compensating for poverty by their intelligence. They regard it a real pleasure to discover and commemorate the achievements of every nation; in their judgment it is as elevating to discourse on the prowess of others as to display their own. Thus I have scrutinised their store of historical treasures and composed a considerable part of this present work by copying their narratives, not scorning, where I recognised such skill in ancient lore, to take these men as witnesses”.

³³ On the physical distribution and circulation of the manuscripts during the time of these sixteenth-century translations, see Storm, *Snorre Sturlassöns historieskrivning*, pp. 319–38; Benediktsson, ‘Hvar var Snorri’, p. 122; Jørgensen, *Den tapte håndskriftet KRINGLA*, pp. 21–27). It only became possible to define the corpus of sagas in the seventeenth century, through the activities of antiquarians such as Árni Magnússon and Ole Worm.

a translation of what scholars recognize as being the complete *Heimskringla*.³⁴ However, in his version there is neither preface, nor attribution. In fact, it was only when Claussøn's translation was published by the Dane Ole Worm, in 1633, that the *Preface* was added³⁵ and the work was formally attributed to Snorri Sturluson. The title page reads:

Snorre Sturlesøns / Norske Kongers / CHRONICA. / Udsat paa Danske | aff / H. Peder Claussøn | / fordum Sogneprest i Vndal. / Nu nyligen menige mand til gaffin | igien- / nemseet | continuerit oc til Trycken / forferdiget. / Prentet i Kiøbenhafn | ved Melchior Martzan | Paa / Joachim Moltken Bogførers Bekostning. / M.DC. XXXIII.³⁶

Snorri Sturluson's Chronicle of the Norwegian Kings. Translated into Danish by Master Peder Claussøn former vicar of Sogne in Undal. Now recently enlarged, revised, continued and prepared for the press for [the benefit of] the common man. Printed in Copenhagen by Melchior Martzan at the expense of Joachim Moltken, bookseller. 1633.

Ole Worm wrote in his 'Fortale til Læseren' [Preface to the reader] to this edition that he found the chronicle as an anonymous piece, but that he came across information about Snorri's authorship in a collection of essays entitled 'Norrigis Beskrifuelse' [Delineation of Norway], which Claussøn had previously written:

Huem nu denne Snorre Sturlesøns Historie | som vi her *præsenterer*, hafuer paa dette voris Tungemaal *verterit*, fant jeg icke for mig i de Bøger jeg her til brugt: Mens udi en anden Bog som Herr Peder i Vndal hafuer *elaborerit* om Norrigis Beskriuelse | oc jeg nu nyligen hafuer til Trycken befordret | for den hør til denne Chønicks bedre Forstand | fant jeg iblant andet disse Ord: "Denne samme Snorre Sturlesøns gamle Norske Chønicke | hafuer jeg udset paa Danske *anno Christi 1599* efter V. B. Herris Axel Gyldenstierns Begiering | som den tid var Kong. Maj. Stadtholder ofuer Norgis Rige | oc efterdi jeg

³⁴ See, for instance, Aðalbjarnarson, 'Formáli', p. vii: "Árið 1559 þýddi Peder Claussøn, prestur í Undal á Jaðri, Heimskringlu alla" [In 1559, Peder Claussøn, priest of Undal in Jæren, translated the whole of *Heimskringla*].

³⁵ It is probable that Ole Worm took the preface to his edition from Hanssøn's translation, but the matter is rather controversial: see Louis-Jensen, *Kongesagastudier*, pp. 49–51 (especially fn. 26, p. 50); Jørgensen, "'Snorre Sturlesøns Fortale'", p. 54–55 and Hallvard Magerøy, ed., 'Innleiing', in *Saga om Birkebeinar og Baglar: Boglunga sögur*, 2 vols (Oslo: Solum, 1988), 1, pp. 15–58 (pp. 23–30).

³⁶ Peder Claussøn, *Snorre Sturlesøns Norske Kongers Chronica. Udsat paa Danske* (Copenhagen, 1633). In these transcriptions, the original virgules are marked with | in order to differentiate them from the line breaks, which are marked with /.

her efter vil gifue en kort *Extract* aff samme Chronicke”. Aff huilcke Ord jeg visseligen sluter | at dette er den Chronicke som Herr Peder Claussøn | forðum Sogneprest i Vndal Præstegield | Canike til Stafangers Domkirke oc Provist ofuer Listelehn hafuer *verterit*.³⁷

Who translated Snorri Sturluson’s History into our own tongue as presented here I found no mention in the books I used here: but in another book produced by Master Peder of Undal, “Delineation of Norway”; and I have now recently prepared for the press as a means to the better understanding of this chronicle; I found among other things these words: “I have translated the old Norwegian Chronicle by the same Snorri Sturluson, in the year of Our Lord 1599 at the request of Axel Gyldenstiern Esq. who at the time was his Majesty’s Governor of the Kingdom of Norway, for which reason I shall afterwards give here a short *Extract* of the same chronicle”. From those words I have indeed concluded that this is the Chronicle which Master Peder Claussøn, former vicar of Sogn in the parish of Undal, canon of the cathedral of Stavanger and dean of the county of Lista, has translated.

However, in none of Claussøn’s essays in ‘Norrigis Beskrifuelse’ is such a claim to be found. Gustav Storm assumed that Worm had found Claussøn’s declaration in a marginal note.³⁸ One must assume that such a marginal note was in a text which only Worm possessed, and then lost.³⁹

³⁷ Claussøn, *Snorre Sturlesøns Norske Kongers Chronica*. See Magerøy, ‘Innleiing’, pp. 28–29, for a fuller discussion of Worm’s preface.

³⁸ *Samlede Skrifter af Peder Claussøn Friis*, ed. by Gustav Storm, Medfølger historisk tidsskrift, 2, 4 vols (Oslo: Brøgger, 1877–81), 1, p. lxi; see Louis-Jensen, *Kongesagastudier*, p. 44.

³⁹ Konrad Maurer, ‘Ueber die Ausdrücke: altnordische, altnorwegische und isländische Sprache’, *Abhandlungen der königlich Bayerischen Akademie der Wissenschaften philosophisch-philologische und historische Klasse*, 11.2 (1866–68), 455–706 (p. 490), discusses the evidence for Snorri’s authorship on the basis of writings by Hansson, Claussøn and Worm: “Endlich lässt sich auch darauf einiges Gewicht legen, dass die Männer, welche im 16. und 17. Jahrhundert zuerst die Aufmerksamkeit wieder auf die Heimskringla wandten, diese ohne Weiteres als ein Werk des Snorri bezeichneten, soferne sich etwa wermuthen liesse, dass diese ihre Angabe auf irgend eine ältere Ueberlieferung, oder sogar auf eine Notiz in irgend einer uns nicht mehr erhaltenen Handschrift sich begründet haben möge. Allein das letztere Argument ist von geringer Bedeutung, da es ebenso gut möglich, dass das Gerede von Snorri’s Autorschaft nur auf einer losen Vermuthung irgend eines Gelehrten oder Halbgelehrten beruhte, wie dergleichen in der betreffenden Zeit so häufig der Fall ist, und die beiden ersten Gründe schliessen die Möglichkeit nicht aus, dass unsere Heimskringla nur ältere Arbeiten Snorri’s in sich aufgenommen habe, ohne doch selber sein unmittelbares Werk zu sein” [Finally, some consideration should be given to the fact that the men who in the 16th and 17th centuries turned their attention again to *Heimskringla* attributed it immediately to Snorri. This leads one to suppose that

In an essay entitled 'Om Island' [About Iceland], Claussøn quotes Snorri alongside two other Icelanders who wrote "norsche" chronicles, namely Bishop Ísleifr from Skálholt and Ari inn fróði;⁴⁰ in an essay entitled 'En kort Extract af de norske Kongers Chronica' [A Short Extract of the Chronicle of the Norwegian Kings], he also cites Snorri Sturluson as the author of a Norwegian chronicle which starts with Óðinn from Sweden:

Oc haffuer Snore Sturlesøn, Laugmand paa Island udi sin Crønnicke om Norge begyndt Konge-tallet udi Sverigh fraa Oden, oc langt omsider udfører hand nogle di Norske Konger aff Suergis Konge-Stamme alt ligesom een Drømb epther di gamle Skaald oc Visser oc den Forsagen oc historiske Beretning, som (hand) altid findes at følge med med [sic] samme Visser oc Taller, ellers ved hand indtedt aff de rette indføde Norgis Konger, som midler-tid haffuer været her udi Rigett.⁴¹

And in his Chronicle of Norway, Snorri Sturluson, lawman in Iceland, began the lines of kings in Sweden with Óðinn, and at length he figured out some of the Norwegian Kings from the Swedish royal lineage as from a dream by the ancient poets, their poems, early tales and historical descriptions which he always appears to follow along with their poems and tales, but otherwise he knows nothing about the true native kings of Norway, who have over time lived in this realm.

Although Claussøn's writings only attest to the fact that Snorri had written a chronicle of Norway, and 'Chrønnicke om Norge' are the words he uses, both Jakob Benediktsson and Bjarni Aðalbjarnarson argue that this means that Claussøn knew that Snorri had written *Heimskringla*.⁴² These attitudes explain how such scanty evidence could

this belief may well be substantiated by some older tradition or even by a note in a manuscript which has not survived. But the last argument is of little importance, since it is just as possible that the talk of Snorri's authorship was based only on a loose supposition of some scholar, or half-scholar, as is so often the case in the period in question. Furthermore, the first two reasons do not exclude the possibility that the *Heimskringla* which we possess has just absorbed Snorri's older writings without itself being his direct work].

⁴⁰ *Samlede Skrifter*, pp. 190–91. In addition to the attributions to Ari inn fróði mentioned above, Claussøn could have found this information on the *Bergsbók* manuscript and in *Orkneyinga saga*; see Jørgensen, "Snorre Sturlesøns Fortale", pp. 56–57; Storm, 'Har Haandskrifter', pp. 47–48.

⁴¹ *Samlede Skrifter*, p. 142.

⁴² Benediktsson, 'Hvar var Snorri', p. 121: "Enginn efi er á að Peder Claussøn var ljóst að Snorri var höfundur Hkr." [No doubt, Peder Claussøn was sure that Snorri was the author of *Heimskringla*]; Aðalbjarnarson, 'Formáli', p. vii: "Vitað er, að P. Cl. taldi Snorra Sturluson höfund bókarinnar" [It is known that Peder Claussøn considered Snorri Sturluson to be the author of the book].

have established the increasingly undisputed tradition that Snorri was the author of all the kings' sagas in *Heimskringla*.⁴³ More importantly, it raises the question of what, in a textual sense, *Heimskringla* really is.⁴⁴ Although there is no place to discuss the matter here, these questions reveal that those methods of finding textual correspondences between *Egils saga* and *Heimskringla* are grounded on very questionable premisses. They also show that the establishment of *Heimskringla* as the canonical kings' sagas must be carefully reassessed.⁴⁵

The present analysis has suggested that historical conditions and literary conventions promoted the idea of 'authoritative authorship' during the sixteenth-century, and that the mentions of Ari inn fróði and Snorri Sturluson in Hanssøn's translation can be understood within this context. Moreover, in the case of the seventeenth-century attribution to Snorri Sturluson made by Ole Worm, and the idea of *Heimskringla* itself, literary conventions are also of great importance because at the time of Ole Worm's publication, anonymity was regarded with disdain and a text without an author was often viewed

⁴³ See Storm, *Snorre Sturlassöns historieskrivning*, pp. 1–12 (pp. 1–3); Guðbrandur Vigfússon, 'Prolegomena', pp. lxxv–lxxvii; Halldórsson, 'Sagnaritun Snorra Sturlusonar', pp. 383–84; Diana Whaley, *Heimskringla: An Introduction*, Text Series, 8 (London: Viking Society for Northern Research, 1991), especially p. 13: "Snorri Sturluson is taken throughout this book to be the author of *Heimskringla* . . . This attribution rests on solid, though indirect, evidence. The author is not named in any surviving vellum manuscript of these works, but it is known that Snorri compiled books and was an authority on the Norwegian kings, and most scholars would agree that it was *Heimskringla* that he wrote".

⁴⁴ Louis-Jensen, 'Heimskringla: Et værk af Snorri Sturluson?', p. 232, remarks that after Peringskiöld's edition, the name *Heimskringla* started to mean the work contained in the *Kringla* manuscript (excluding *Skáldatal*). Once this assumption is made, she rightly observes, any attempt to understand the textual history of *Heimskringla* becomes a tautology. Moreover, an investigation of Jón Eggertsson and Ásgeir Jónsson's transcripts of *Kringla* might reveal important aspects of the textual history of *Heimskringla*. For instance, Holm papp 18 fol. is believed to be a paper transcript of the *Kringla* manuscript, written down by Jón Eggertsson (hand B) during c. 1682–87. Eggertsson starts his transcript with *Hákonar saga góða*, but later another hand (hand A) adds *Ynglinga saga*, *Hálfðanar saga ins svarta*, *Haralds saga ins hárfagra*, and the prologue. A marginal note says that there was an image of Óláfr inn helgi, with an inscription in Latin, at the beginning of the manuscript (*Katalog öfver Kongl. Bibliotekets fornisländska och fornorska handskrifter*, ed. by Vilhelm Gödel (Stockholm: Norstedt, 1897–1900), pp. 133–35; but see also Jørgensen, *Det tapte håndskriftet KRINGLA*, pp. 229–30). It might be important to investigate why this transcript did not contain the prologue and the first three sagas of the *Kringla* manuscript.

⁴⁵ As Stephen Orgel has observed with reference to the Shakespearean canon, "the establishment of a canonical text [...] is only incidentally an objective and scientific matter. It involves much more basically doctrinal and political elements". Stephen Orgel, 'The Authentic Shakespeare', *Representations*, 21 (1998), 1–25 (p. 5).

as a text without authority. From the end of the sixteenth century, as one of the consequences of the repressive actions of the Inquisition towards publishers, print became subjected to authority.⁴⁶ Early in the time of printing, preoccupation with the authority and authorship of texts increased, and as Marcy L. North points out,

authorial names have been attached to previously anonymous texts for a variety of purposes throughout literary history. In the early centuries of print, popular authorial names were often attached to anonymous texts to increase their marketability.⁴⁷

Finally, it is necessary to return to the question of how mediaeval authorship-attributions should be understood in the context of the corpus of anonymous sagas. As argued above, even when the factual content of the attribution can be quickly discounted, its effect in determining the meaning of the text cannot. The attributions also pose another important question: does a particular mediaeval attribution attached to a particular text in a particular manuscript allow us to fix all versions of that text to that author? Does it, moreover, allow us to fix the text?⁴⁸ The next section explores these connections between ideas of mediaeval authorship and the multiplicity and changeability of mediaeval texts.

3 *Textual criticism and manuscript culture*

Apart from the question of Snorri's authorship, none of the arguments with which scholars have tried to assess the relation between *Egils saga* and *Heimskringla* have taken due consideration of the fact that even if Snorri Sturluson did write both of them, the sagas might not have the same scope. That is to say, their material might have been worked differently.⁴⁹ Common material or a common tradition

⁴⁶ Febvre and Martin, *L'apparition du livre*, pp. 224–25.

⁴⁷ North, 'Authoring Anonymity', p. 15. For examples of authorship attributions in early printed books, see Ernst Philip Goldschmidt, *Medieval Texts and Their First Appearance in Print*, Supplement to the Bibliographical Society's Transactions, 16 (London: Bibliographical Society, 1943).

⁴⁸ This could be applied to the question of the authorship of the *Prose Edda*, attributed in the Uppsala manuscript (DG 11, c. 1300–1325) to Snorri: that attribution only safely refers to the text in that manuscript.

⁴⁹ Charles Maxwell Olmstead, 'An Introduction to Oddr Snorrason's *Óláfs saga Tryggvasonar*' (unpublished doctoral dissertation, University of California, Berkeley,

could be shaped differently in ideological, intellectual or aesthetic purpose. As a result, any attempt to relate the sagas in terms of textual omissions and additions is detrimental to the understanding of the nature of that relation. Approaches which emphasize solely textual correspondences undermine the analysis of the composition of both *Heimskringla* and *Egils saga*, and especially the analysis of the kings' sagas. These sagas have been divided into two groups, according to the relation which they have been assumed to have to the composition of *Heimskringla*. Sagas which are thought to have been composed before *Heimskringla* are assumed to have been used by Snorri in the composition of *Heimskringla*, and are usually referred to as 'sources' of *Heimskringla*. Sagas thought to have been composed after *Heimskringla* are usually said to have adapted, or to have made use of *Heimskringla*, either completely or in part.⁵⁰ Diana Whaley has proposed that the 'author' Snorri 'interpolated' passages from older works in his *Heimskringla*. However, she considers that passages in *Heimskringla* which are found in other works are an indication of the "compilers' zeal for completeness".⁵¹ Like many others, Whaley places Snorri at the highest point in the writing of sagas about kings:

1998) faces questions of a similar nature when analysing Oddr Snorrason's *Óláfs saga Tryggvasonar*, which is inevitably compared to the *Óláfs saga Tryggvasonar* attributed to Snorri Sturluson. Responding to Turville-Petre's assertion that the latter was a better work, Olmstead says that "underlying this perspective is the broad assumption that Oddr and Snorri saw themselves as engaged in the same literary pursuit" (p. 12). Berman, '*Egils saga* and *Heimskringla*', p. 21, seems to be aware of this problem when she argues that, in *Egils saga*, people and events appear in a "completely different light" from *Heimskringla*, "making it almost impossible to determine whether the two texts rely on each other or even share the same basic information". However, Berman's analysis is centred on the textual correspondences between the sagas, and she analyses them in terms of a presumed dependence of one saga on the other or on common material.

⁵⁰ See, for example, Aðalbjarnarsson, 'Formáli', pp. ix–xix and Storm, *Snorre Sturlassons historieskrivning*, pp. 13–68. On the other (and perhaps extreme) hand, Alan J. Berger, 'The Sagas of Harald Fairhair', *Scripta islandica*, 31 (1980), 14–29 (p. 29), making use of the same sort of textual comparison, concludes that "*Heimskringla* is a dead end in Old Icelandic historiography, having had no influence on other works, being entirely derived from other works". See also his '*Heimskringla* is an Abbreviation of *Hulda-Hrokinskinna*', *Arkiv för nordisk filologi*, 116 (2001), 65–69 (especially p. 68).

⁵¹ Whaley, *Heimskringla*, p. 46. For a discussion of Snorri's role as a compiler and author, see Kolbrún Haraldsdóttir, 'Der Historiker Snorri: Autor oder Kompilator?', in *Snorri Sturluson: Beiträge zu Werk und Rezeption*, ed. by Hans Fix (Berlin: Gruyter, 1998), pp. 97–108.

The highly derivative and compendious character of the writings after Snorri spells out the fact that the art of the *konungasögur* was virtually dead. Snorri's nephew Sturla Þórðarson wrote a life of his contemporary Hákon Hákonarson and one of Hákon's son Magnús lagabætir, of which only a fragment survives. But as for lives of past kings, there seems to have been a sense that Snorri's work could be supplemented (sometimes in extreme ways) but not bettered.⁵²

These approaches are rooted in a long-established tradition of textual criticism, and are common to all other sagas: in order to recognize their literary value, scholars have been analysing the sagas as texts individually written by single authors and not, as the mediaeval productions that they are, as products of a manuscript culture.⁵³ This tradition also promotes the idea that works written later than those of the recognized authors are derivative and less important. In a manuscript culture, as opposed to a print culture, texts are more susceptible to change. Bernard Cerquiglini explains:

L'œuvre littéraire, au Moyen Âge, est une variable. L'appropriation joyeuse par la langue maternelle de la signification propre à l'écrit a pour effet de répandre à profusion le privilège de l'écriture. Qu'une main fut première, parfois, sans doute, importe moins que cette incessante réécriture d'une œuvre qui appartient à celui qui, de nouveau, la dispose et lui donne forme. Cette activité perpétuelle et multiple fait de la littérature médiévale un atelier d'écriture. Le sens y est partout, l'origine nulle part.⁵⁴

In the Middle Ages, the literary work is a variant. The merry appropriation, by the mother tongue, of the meaning specific to the written work, has the effect of profusely spreading the privilege of writing. That a certain scribal hand was the first to write a text matters less than this ceaseless rewriting of a work, which belongs to whom, once again, lays it out and shapes it. This perpetual and multiple activity

⁵² Whaley, *Heimskringla*, pp. 46–47. Theodore M. Andersson, 'The King of Iceland', *Speculum*, 74 (1999), 923–34, goes as far as to argue that the writing of the sagas about kings was 'complete around 1235, not to be taken up again until circa 1265' (p. 931). As Ármann Jakobsson, 'King and Subject in *Morkinskinna*', *Skandinavistik*, 28 (1998), 101–17, points out, "it is very typical of a general tendency in kings' saga research, to praise the work of Snorri at the expense of other sagas" (p. 105).

⁵³ See Gerald L. Bruns, *Inventions: Writing, Textuality, and Understanding in Literary History* (New Haven: Yale University Press, 1982), pp. 44–59, and Robert S. Sturges, 'Medieval Authorship and the Polyphonic Text: From Manuscript Commentary to the Modern Novel', in *Bakhtin and Medieval Voices*, ed. by Thomas J. Farrel (Gainesville: University Press of Florida, 1995), pp. 122–37.

⁵⁴ Bernard Cerquiglini, *Eloge de la variante: histoire critique de la philologie* (Paris: Seuil, 1989), p. 57.

turns the medieval literature into a workshop of writing. The meaning is everywhere, the origin is nowhere.

Within this context, the idea of a single author and a single original text narrows down the cultural diversity to which the plurality of manuscripts and variants of a given text are testimony.⁵⁵ Besides, Cerquiglini proceeds, the modern idea of the author, within which our idea of the text has been constructed, emerges through the sixteenth to nineteenth centuries.⁵⁶ The transposition of the modern concept of the author to the production of Icelandic mediaeval texts

⁵⁵ This variety is also linguistic. Accordingly, Andrea de Leeuw van Weenen, *A Grammar of Möðruvallabók*, CNWS Publications, 85 (Leiden: Research School CNWS, 2000), p. xiii, argues that “a reliable description of the development of the Old Icelandic morphology can only be written on the basis of textual grammars which present the morphological evidence of a single manuscript, or manuscript part, against the background of the spelling particularities of that MS”. See also Suzanne Fleischman, ‘Philology, Linguistics, and the Discourse of the Medieval Text’, *Speculum*, 65 (1990), 19–37, in which she explores the language of Old French texts in the context of this diversity of variants.

⁵⁶ Cerquiglini, *Éloge*, pp. 24–29. A. J. Minnis, *Medieval Theory of Authorship: Scholastic Literary Attitudes in the Later Middle Ages*, 2nd edn (Aldershot: Wildwood House, 1988) discusses, through an examination of ‘academic’ prologues, the concept of authorship as it is defined within mediaeval schools of theology and philosophy, and analyses how these theoretical models were used by mediaeval writers. Accordingly, “an *auctor* was regarded as someone whose works had considerable authority and who bore full responsibility for what he had written” (p. 192). In this specific sense, the mediaeval idea of authorship directly clashes with the modern view, based as it is on a (legal) concept of intellectual property. Goldschmidt, *Medieval Texts*, p. 113, argues that the idea of mediaeval authorship must be understood within the mediaeval idea of the acquisition of knowledge: “We are guilty of an anachronism if we imagine that the medieval student regarded the contents of the books he read as the expression of another man’s personality and opinion. He looked upon them as part of that great and total body of knowledge, the *scientia de omni scibili*, which had once been the property of the ancient sages. Whatever he read in a venerable old book he would take to be not somebody’s assertion but a small piece of knowledge acquired by someone long ago from someone else still more ancient”. M. I. Steblin-Kamenskij, ‘An Attempt at a Semantic Approach to the Problem of Authorship in Old Icelandic Literature’, *Arkiv för nordisk filologi*, 81 (1966), 24–34, addresses the question of authorship on semantic grounds. Although he concludes that the word for author in Modern Icelandic, *höfundur*, occurs in this sense only in the eighteenth century, he argues that authorship in poetry—specifically skaldic poetry—had become conscious long before it became conscious in prose (pp. 32–34). Even such a notion, however, would not be equivalent to our modern notion of authorship. Concerning the writing of sagas, Matthew James Driscoll, *The Unwashed Children of Eve: The Production, Dissemination and Reception of Popular Literature in Post-Reformation Iceland* (Enfield Lock: Hisarlik Press, 1997), p. 55, shows that even as late as the nineteenth century, sagas “were not thought of as being ‘by’ anyone”. See also, in the context of *riddarasögur*, Geraldine Barnes, ‘Romance in Iceland’, in *Old Icelandic Literature and Society*, ed. by Margaret Clunies Ross, Cambridge Studies in Medieval Literature, 42 (Cambridge: Cambridge University Press, 2000), pp. 266–86 (p. 271).

was carried out by the *Íslenzk fornrit* editors, who, in the words of Hallvard Lie, had “en noe usedvanlig sterk lyst”⁵⁷ [a quite exceptionally strong desire] to track down the authors of the texts which they were editing. The thought behind the *Íslenzk fornrit* editions is the belief in an original text, free of the “smekklausear viðbætur”⁵⁸ [tasteless additions] and “spilltur smekkur”⁵⁹ [bad taste] of the scribes, possibly the text written by the author himself.⁶⁰ This attitude has imposed many limitations on our understanding of the sagas. The view that existing manuscripts are no more than bad transcripts of an ideal and perfect original text prevents us from perceiving the individual purposes and value of each existing version.⁶¹ Örnólfur Thorsson points out the implicit editorial agenda involved in the search for the original text (‘frumtexti’) and its consequences, focusing in particular on the dating of the sagas:

Undir kyrrlátu yfirborði textafræðinnar leyndist nefnilega rómantísk draumsýn; með elju sem minnir á leit riddaranna forðum að kaleiknum dýra mátti kannski draga fram eða finna þá skíru og hreinu frásögn frumhöfundar sem einhvers staðar leyndist í vondum eftirritum.⁶²

⁵⁷ Hallvard Lie, ‘Noen metodologiske overveielser i anl. av et bind av *Íslenzk fornrit*’, *Maal og Minne* (1939), 97–138 (p. 97). See Peter Foote, ‘Some Account of the Present State of Saga Research’, *Scandinavica*, 4 (1965), 115–26, who expresses his reservations about the editors’ “unholy desire to identify the author of a saga” (p. 117), but pays due tribute to the *Íslenzk fornrit* edition, calling it “a monumental achievement of Icelandic scholarship” (pp. 116–17).

⁵⁸ Nordal, ‘Formáli’, in *Egils saga*, pp. xcvi–xcvii.

⁵⁹ Nordal, ‘Formáli’, in *Borgfirðinga sögur*, p. xxxvi.

⁶⁰ One might observe, as does Vésteinn Ólason, ‘Planer om en utgave av *Heimskringla*’ in *Tekstkritisk teori og praksis: Nordisk symposium i tekstkritisk Godøysund 19.–22. mai 1987*, ed. by Bjarne Fidjestøl, Odd Einar Haugen and Magnus Rindal (Oslo: Novus forlag, 1988), pp. 130–37 (p. 131), that the *Íslenzk fornrit* editions were not intended as scientific; see also, in the same book, his ‘Debattinnlegg til Odd Einar Haugen’, pp. 98–100 (p. 99). On the other hand, many reviews at the time of publication treated the editions at least as semi-scholarly. See for example, the above-mentioned article by Hallvard Lie; see also Per Wieselgren, ‘Íslenzk fornrit. II Bind. *Egils saga Skallagrímssonar*. Sigurður Nordal gaf út. Hið íslenska fornritafélag, Reykjavík MCMXXXIII’, *Arkiv för nordisk filologi*, 52 (1936), 182–92; Anne Holtsmark, ‘En ny utgave av *Egils saga*’, *Maal og minne* (1935), 56–64. Irrespective of the originally intended audience of the *Íslenzk fornrit*, their editors’ belief in an original, authoritative text ensured that these texts were edited in this way.

⁶¹ For a full account of the traditional view of the role of textual criticism in editing and dating the sagas, see Einar Ólafur Sveinsson, *Dating the Icelandic Sagas: An Essay in Method*, Viking Society for Northern Research Text Series, 3 (London: Viking Society for Northern Research, 1958), especially pp. 15–29.

⁶² Örnólfur Thorsson, “Leitin að landinu fagra”: Hugleiðing um rannsóknir á íslenskum fornþekkenntum, *Skáldskaparmál*, 1 (1990), 28–53 (p. 29).

Beneath the calm exterior of philology a romantic vision actually lay concealed; with a zeal which would recall that of the knights of olden days in their quest for the holy grail, one could perhaps bring out or identify the pure and unadulterated narratives of the original writers which lay hidden somewhere in bad transcripts.

Thorsson urges a radical re-evaluation of the dating of the sagas, based, above all, on the re-evaluation of the predominant role of textual criticism on the edition of the texts, their handling and interpretation.⁶³ In his assessment of modern critical editions, Hans Fix correctly includes the editions of the *Altnordische Saga-Bibliothek* along with the *Íslenzk fornrit*: both “do not contain texts as transmitted in the manuscripts, but a hybrid, a scholarly interpretation that needs to be looked upon with some suspicion”.⁶⁴ By contrast, Fix draws attention to the use of abbreviations in the mediaeval manuscripts and the variability of readings which they allow.⁶⁵ Other scholars of Old Norse have already questioned the validity of the conventions of modern textual criticism. In an article about the variants of Egill’s poem *Höfuðlausn*, Russell G. Poole asks:

How far should we use postulated poetic rules and conventions as a means of rejecting readings, diagnosing corruptions, and devising emendations? How far should we consider rejected variants as without significance? How far should we operate with the notion of a fixed set of authorial intentions?⁶⁶

⁶³ Scholars of Anglo-Saxon vernacular and Latin texts have debated the validity of applying Classical Latin and Greek textual criticism to their study. For a more enthusiastic appraisal of the use of Classical textual criticism, see Michael Lapidge, ‘Textual Criticism and the Literature of Anglo-Saxon England’, *Bulletin of the John Rylands University Library of Manchester*, 73 (1991), 17–45; on the other hand, Eric Gerald Stanley, ‘Unideal Principles of Editing Old English Verse’, *Proceedings of the British Academy*, 70 (1984), 231–73 has argued against it; Douglas Moffat, ‘Anglo-Saxon Scribes and Old English Verse’, *Speculum*, 67 (1992), 805–27 offers a moderate view, which takes into consideration the individuality of the scribes.

⁶⁴ Hans Fix, ‘Text Editing in Old Norse: A Linguist’s Point of View’, *NOWELE*, 31–32 (1997), 105–17 (p. 108).

⁶⁵ Fix, ‘Text Editing’, p. 113. Fix argues that scholarly editions should not “conceal transmission” (p. 112). While an entire account of textual transmission would be difficult to achieve, the indication of expanded abbreviations with italics, for instance, would allow the reader to see what expansions had been made, and to interpret the possible ambiguities of the text. Many editions of Old Norse texts follow this convention, as well as producing single-manuscripts editions, for example: *Det Norske Historiske Kodeskriftfonds Skrifter* (first edition in 1858–1860), the *Bibliotheca Arnagnæana* (1941), *Éditiones Arnagnæane* (1958). The *Íslenzk fornrit* editions are the most readily available and therefore most research—like the present book—has to acknowledge them at some stage.

⁶⁶ Russell G. Poole, ‘Variants and Variability in the Text of Egill’s *Höfuðlausn*’, in *The Politics of Editing Medieval Texts: Papers Given at the Twenty-seventh Annual Conference*

The same questions need to be asked about the editing of Old Norse prose, as well as the editing of poetry within prose narratives. In a move in this direction, Anne Mette Hansen examines the merits and deficiencies of a 'new-philological' approach to the editing of the Icelandic *Lucidarius*.⁶⁷ Jürg Glauser considers the variability of mediaeval texts within the context of *riddarasögur*.⁶⁸ Preben Meulengracht Sørensen investigates in brief what the analysis of textual variants in versions of *Gisla saga* can reveal about the texts themselves.⁶⁹ Bjarni Einarsson looks into paper manuscripts of *Egils saga* in order to improve our understanding of the text in *Möðruvallabók*.⁷⁰ Sverrir Tómasson analyses

on *Editorial Problems—University of Toronto—1–2 November 1991*, ed. by Roberta Frank (New York: AMS Press, 1993), pp. 65–105 (p. 65). Christopher Abram, 'Scribal Authority in Skaldic Verse: Þórbjörn hornklofi's *Glymdrápa*', *Arkiv för nordisk filologi*, 116 (2001), 5–19 considers the function of scribes in the making of skaldic poetry and questions the notion of a single, fixed poetic text. In Chapter 2 below, a verse from *Óláfs saga ins helga* is analysed without the textual apparatus which usually accompanies the editions of skaldic poetry. My objective is to understand that specific verse in its immediate context—the prose—and within the interpretative context of the scribe and possibly his readers.

⁶⁷ Anne Mette Hansen, 'The Icelandic *Lucidarius*: Traditional and New Philology', in *Old Norse Myths, Literature and Society: Proceedings of the 11th International Saga Conference 2–7 July 2000*, ed. by Geraldine Barnes and Margaret Clunies Ross (Sydney: Centre for Medieval Studies, 2000), pp. 118–25. The work of Bernard Cerquiglini and Stephen G. Nichols, among others, has been identified with the 'new philology', the name of which movement, if not the movement itself, was coined in the wake of the 1990 edition of *Speculum*, which dealt with such matters of textual criticism, and was prefaced by an introduction written by Nichols himself. For a balanced assessment of the 'new philological' movement, see the special issue (Sonderheft) within volume 116 (1997) of *Zeitschrift für deutsche Philologie*. A passionate reaction against 'new philology', indeed an example of reactionary passion, is to be found in many of the articles in *Alte und neue Philologie*, ed. by Martin-Dietrich Gleßgen and Franz Lebsant, Editio, 8 (Tübingen: Niemeyer, 1997). A similar negative response is found in *Towards a Synthesis?: Essays on the New Philology*, ed. by Keith Busby, Faux Titre, 68 (Amsterdam: Rodopi, 1993) to such a extent that the editor thinks it necessary to apology for the excesses of the collaborators (p. 1). Within Old Norse scholarship, Kirsten Wolf, 'Old Norse—New Philology', *Scandinavian Studies*, 65 (1993), 338–48, formulates a defence of traditional methods of textual criticism. Two papers—'What Happened to the Critical Edition?' by Odd Einar Haugen, and 'In Praise of Manuscript Culture: Texts and Editions in the Computer Age' by Karl G. Johansson—were given at the 'Creating the medieval saga' conference (Bergen, 13–15 April 2005) while this book was in the process of being edited, too late for me to make direct reference to their arguments here.

⁶⁸ Jürg Glauser, 'Textüberlieferung und Textbegriff im spätmittelalterlichen Norden: Das Beispiel der Riddarasögur', *Arkiv för nordisk filologi*, 113 (1998), 7–27.

⁶⁹ Preben Meulengracht Sørensen, 'Teksten mellem filologi og litteraturvidenskab', in *Den fornordiska texten i filologisk och litteraturvetenskaplig belysning*, ed. by Kristinn Jóhannesson, Karl G. Johansson and Lars Lönnroth (Gothenburg: Göteborgs universitet, 2000), pp. 83–95.

⁷⁰ Bjarni Einarsson, 'Um Eglutexta Möðruvallabókar í 17du aldar eftirritum', *Gripla*, 8 (1993), 7–53.

the texts of *Bandamanna saga* from different manuscripts, and concludes that each text is intended for a specific audience.⁷¹

The *Íslenzk fornrit* editions of sagas were modelled on the idea of an original text which could be recovered from the extant manuscripts through the zealous application of Lachmannian principles of textual edition. They followed the philological conventions of their European counterparts; their textual criticism, like that of Leo Spitzer, Erich Auerbach and Ernst Robert Curtius,⁷² was a legacy of the nineteenth century and represented, in the words of Stephen Nichols,

a technological scholarship made possible by a print culture. It joined forces with the mechanical press in a movement away from the multiplicity and variance of a manuscript culture, thereby rejecting, at the same time, the representation of the past which went along with medieval manuscript culture: adaptation or *translatio*, the continual rewriting of past works in a variety of versions, a practice which made even the copying of medieval works an adventure in supplementation rather than faithful imitation.⁷³

The texts which the *Íslenzk fornrit* editors forged from the mediaeval manuscripts were, to use Nichols's words, "rational products of philological endeavour",⁷⁴ preceded by long prefaces where the editors tried to re-create not only the authors' original texts, but also their aesthetic, historical and political aspirations.⁷⁵ In these prefaces, the idea of literary decadence, which also permeated the whole of nineteenth-

⁷¹ Sverrir Tómasson, '*Bandamanna saga* og áheyrndur á 14. og 15. öld', *Skírnir*, 152 (1978), 97–117. Tómasson makes use of the division of the manuscripts into two groups, the M-group and the K-group, in which M, *Möðruvallabók* (AM 132 fol., c. 1330–70), and K, *Konungsbók* (GKS 2845 4^o, c. 1450), are taken as the main manuscripts.

⁷² See Peter F. Dembowski, 'The Philological Legacy of Erich Auerbach', *Romance Philology*, 52 (1998–99), 71–93, and Luiz Costa-Lima, 'Erich Auerbach: History and Metahistory', *New Literary History*, 19 (1987–88), 467–99. Although these articles concentrate on the work of Erich Auerbach, they provide an insight into the textual criticism of that period. A critical reflection on western textual criticism is provided by Christian Jacob, 'Du livre au texte: pour une histoire comparée des philologies', *Quaderni di storia*, 50 (1999), 61–93.

⁷³ Stephen G. Nichols, 'Introduction: Philology in a Manuscript Culture', *Speculum*, 65 (1990), 1–10 (pp. 2–3). For a critical analysis of the methods and history of modern textual criticism, see Jerome J. McGann, *A Critique of Modern Textual Criticism* (Charlottesville: University Press of Virginia, 1983; repr. 1992), especially pp. 15–49.

⁷⁴ Nichols, 'Introduction', p. 2.

⁷⁵ See Lie, 'Noen metodologiske overveielser', p. 99, who makes a severe criticism of the *Íslenzk fornrit* prefaces.

century textual criticism,⁷⁶ was the key which allowed the editors to discriminate between what they saw as the good and the bad manuscripts. In other words, the idea was to distinguish between a text closest to the hand of its authors—the good—and a derivative copy, possibly full of corruptions—the bad: ultimately, the editors' choice was based on moral categories. As Randall McLeod shows, in a series of very influential revisionist articles on the editing of Shakespeare's texts, once moral categories are introduced into textual work, "bad and good tends to structure textual evidence before the reader has a chance to see it".⁷⁷ In the case of Old Norse, texts were selected and edited under a perspective of decadence—a literary decadence, which, as will be discussed below, reflected a political decadence: the production of texts in mediaeval Iceland was considered to have evolved until it reached its apogee in the thirteenth century, only to decline when the country submitted to the Norwegian crown. When the production of sagas was restricted to such a specific time—from the second half of the twelfth century to the time of the submission c. 1262—scholars were stimulated to look for the author's political ambitions, allies and enemies and therefore to reveal the secret devices by which the saga was composed. In this context, it is easy to understand why scholars spared no efforts to find out who wrote *Egils saga*, which is considered one of the pinnacles of that golden age. To date, the biographical method has been used without reservation, as Jón Viðar Sigurðsson attests:

The view that the Sagas of Icelanders were the products of 13th-century authors made it important to identify those authors. This would make it possible to lay bare their motives and sincerity, and their aims in writing their sagas could be explained from the events of their day. Despite massive efforts in this direction by the book-prose theorists, the only consensus reached is that Snorri Sturluson wrote *Egils saga*.

⁷⁶ See Nichols, 'Introduction', p. 4 and the references he quotes; Cerquiglioni, *Éloge*, pp. 82–85. The idea of literary decadence seems clearly to inform Sigurður Nordal, *Íslenzk lestrarbók 1400–1900* (Reykjavík: Eymundsson, 1931), pp. xiv–xv.

⁷⁷ Randall McLeod, 'The Marriage of Good and Bad Quartos', *Shakespeare Quarterly*, 33 (1982), 421–31 (p. 421); see also his 'Gon. No More, the Text is Foolish', in *The Division of the Kingdoms: Shakespeare's Two Versions of 'King Lear'*, ed. by Gary Taylor and Michael Warren (Oxford: Clarendon Press, 1983), pp. 153–93. For a summary of the development of the concepts of 'bad' and 'good' quartos of Shakespeare's plays, see Paul Werstine, 'Narratives About Printed Shakespeare Texts: "Foul Papers" and "Bad Quartos"', *Shakespeare Quarterly*, 41 (1990), 65–86.

A lot of attention has been paid to Snorri and his working methods in putting together *Heimskringla*, such as his invention of dialogue, action and motifs compared to his sources, and this has become a model for thinking about how the Sagas of Icelanders were written.⁷⁸

In *Egils saga*, for example, the ascription to an individual author, Snorri Sturluson, has the double effect of personalizing and simplifying such issues as kinship, ties of friendship and loyalty to kings, among others. The analysis of the relation between nobility and royal power is generally over-simplified on the basis of this assumption, since everything can be explained in terms of Snorri's biography and his relationship with the Norwegian kings. The negative opinion about the Norwegian kings which pervades *Egils saga* is explained in the light of Snorri's own experience with King Hákon Hákonarson.⁷⁹ As Vésteinn Ólason has pointed out, this "ævisögulega rannsóknaraðferð" [biographical method of investigation] was practised by the eighteenth- and nineteenth-century romantics, and Sigurður Nordal and the so-called Icelandic school, though opposed to many features of the romantic school, did not reject it.⁸⁰ In fact, parallels between passages in *Egils saga* and Snorri's life, as narrated in *Sturlunga saga*, have been gathered by scholars as external evidence of Snorri's authorship.⁸¹ It is important to note that this external evidence is at the

⁷⁸ Jón Viðar Sigurðsson, *Chieftains and Power in the Icelandic Commonwealth*, trans. by Jean Lundskær-Nielsen, The Viking Collection, 12 (Odense: Odense University Press, 1999), pp. 21–22. Compare Melissa A. Berman, 'Fiction in *Egils saga*' (unpublished doctoral dissertation, Stanford University, 1983), p. 1: "For many reasons, including our knowledge of its author, *Egils saga*'s historical interests became the most common way to pinpoint the saga's distinctive flavour".

⁷⁹ See, for instance, Baldur Hafstað, 'Konungsmenn í kreppu og vináttu í Egils sögu', *Skáldskaparmál*, 1 (1990), 89–99 (pp. 96–97), and also his *Die Egils saga und ihr Verhältnis zu anderen Werken des nordischen Mittelalters* (Reykjavík: Rannsóknarstofnun Kennaraháskóla Íslands, 1995), pp. 15–16, 29–33.

⁸⁰ Vésteinn Ólason, 'Bókmenntarýni Sigurðar Nordals', *Tímarit Máls og menningar*, 45 (1984), 5–18 (p. 10). For further examinations of the Icelandic school, see Gunnar Karlsson, 'Icelandic Nationalism and the Inspiration of History', in *The Roots of Nationalism: Studies in Northern Europe*, ed. by Rosalind Mitchison (Edinburgh: Donald, 1980), pp. 77–89, and 'Saga í þágu samtíðar: eða siðbúinn ritdómur um íslenska menningu Sigurðar Nordal', *Tímarit Máls og menningar*, 45 (1984), 19–27; Árni Sigurjónsson, 'Nokkur orð um hugmyndafræði Sigurðar Nordal fyrir 1945', *Tímarit Máls og menningar*, 45 (1984), 49–63 and, *cum grano salis*, Jesse L. Byock, 'History and the Sagas: The Effect of Nationalism', in *From Sagas to Society: Comparative Approaches to Early Iceland*, ed. by Gisli Pálsson (Enfield Lock: Hisarlik Press, 1992), pp. 43–59.

⁸¹ Torfi H. Tulinius, *La Matière du Nord?: Sagas légendaires et fiction dans la littérature islandaise en prose du XIII^e siècle* (Paris: Presses de l'Université de Paris-Sorbonne,

same time used as the foundation and the justification of the internal evidence (that is, the philological and literary correspondences)—they are dependent on each other and cannot stand independently.

As Cerquiglini says, the variability of mediaeval manuscript culture is at odds with modern textual practices.⁸² When ideas of authorship and original text are set aside, we are left with a multiplicity not only of texts but also of views—that is, multiple versions, and none of them is more important or more original than the others. We cannot think of these saga versions as mere reworkings, progressively and chronologically further away from an original. They are recreated in the light of a continuously changing set of ideas and views—with many different views held simultaneously, possibly even by the same individuals—about the relations between Icelanders and the Norwegian kings. The very multiplicity of texts indicates that these views were part of a continuous process of thought, which led to the writing and rewriting of the sagas. The differences between particular sagas, therefore, and between the sagas of different manuscripts, have to be regarded in the first place not in terms of individual textual differences, but rather in respect of the ideologies and views that the sagas reflect.⁸³

To some extent, scholars have applied the editorial principles discussed here to the editing of mediaeval legal texts. As I shall discuss in Chapter 2, manuscripts of disparate dates have been conflated in order to represent a single piece of law, and sometimes distinct legal texts are compared in an exclusively textual way, with similar passages being treated as borrowings, omissions or additions. However, these questions need to be examined separately, and the beginning of Chapter 2 is devoted to this discussion.

1995), pp. 212–59, argues that the connections between Snorri Sturluson's life, as narrated in *Íslendinga saga*, and events and characters in *Egils saga* could show that the saga is the expression of Snorri's subjectivity. On the basis of these connections, Tulinus's *Skáldið í skriftinni: Snorri Sturluson og 'Egils saga'* (Reykjavík: Hið íslenska bókmenntafélag, 2004) proposes that Snorri wrote the saga as an act of atonement and an attempt at reconciliation with members of his family.

⁸² Cerquiglini, *Éloge*, p. 64. On the variability of the mediaeval text, see Stephen G. Nichols, 'Why Material Philology: Some Thoughts', *Zeitschrift für deutsche Philologie*, 116 Sonderheft (1997), 10–30.

⁸³ On this multiplicity of versions, compare Stephen G. Nichols, 'The Interaction of Life and Literature in the *Perigrinationes ad Loca Sancta* and *Chanson de Geste*', *Speculum*, 44 (1969), 51–77, especially p. 53.

4 *Sagas as historical sources*

As argued above, the sagas in *Heimskringla* can provide a wealth of relevant and revealing material for the analysis of the relations between Icelanders and Norwegian kings, but this may also be said of many other sagas about kings written in the same period. Within the diversity of manuscript culture, the researcher must be aware that he has an almost endless choice of comparative material to hand, and must not be lured into a obsession with this one work above all others. In Chapter 2, which analyses a law given to the Icelanders by the Norwegian king Óláfr Haraldsson (ruled 1014–30), the separate saga of Óláfr inn helgi (*Óláfs saga ins helga*) has been used as comparative material, and I have searched within the saga for direct and indirect references to the law. *Haralds saga ins hárfagra* from *Frissbók* is used as comparative material for the role of Haraldr inn hárfagri in the presentation of the settlement discussed in Chapter 4. These sagas have been approached as anonymous works.

As Chapter 3 deals with the submission of the Icelanders to the Norwegian kings during the second half of the thirteenth century, I have used the sagas which mention the events surrounding this submission, namely *Sturlunga saga* (specifically, *Íslendinga saga*), *Hákonar saga Hákonarsonar*, *Lárentíus saga biskups* and *Arna saga biskups*. Although *Íslendinga saga* and *Hákonar saga Hákonarsonar* are attributed to Sturla Þórðarson, I have taken these sagas to represent thirteenth- and fourteenth-century views of these events, and not the individual views of Sturla Þórðarson himself.⁸⁴ As I have argued in the previous sections, even with the knowledge that Sturla wrote these sagas in the thirteenth century, it would be extremely difficult for us to establish how much of his version had survived in extant fourteenth-century texts. Even when an authorship attribution is known, it is not always possible to establish which text can be fixed to that particular author, and in view of this impossibility, it is better to treat the texts as a social product. As a consequence, rather than trying to establish a

⁸⁴ Richard Gaskins, 'The Narrative of Social Order in Sturla Þórðarson's *Íslendinga saga*', *Alvíssmál*, 4 (1994 [1995]), 3–14 (p. 10), discusses the authorial presentation of social order through "Sturla's thirteenth-century perspective", and goes on briefly to discuss concepts of social order that rely less on a single authorial perspective than on wider cultural and socio-historical views. Stephen Norman Tranter, *Sturlunga Saga: The Role of the Creative Compiler*, German Language and Literature, 941 (Frankfurt a.M.: Lang, 1987), analyses all the sagas of the Sturlunga compilation through the perspective of the compiler (see Chapter 4, Section 1 below).

single authorial view expressed in an original authorial text, I discuss the differing views of the submission that are presented in different versions of the same saga, or different sagas attributed to a single author (as in the case of *Íslendinga saga* and *Hákonar saga Hákonarsonar*).

In Chapter 4, I shall propose an alternative selection of comparative material.⁸⁵ The analysis of the relations between Icelanders and the Norwegian kings takes as its starting-point the settlement of Iceland as depicted in *Egils saga*. Since there are only fragments of the thirteenth-century manuscripts of the saga, this study is based on the text of *Egils saga* found in the fourteenth-century manuscript *Möðruvallabók* (AM 132 fol, c. 1330–1350), which will then also be used as comparative material. The selection of comparative material according to its place in a manuscript compilation is discussed more closely in Chapter 4. The dates of the sagas referred to there, as well as the dates of the other texts used in this book, are those of the manuscripts in which the texts are contained. The dates of the manuscripts are used as a tool for dating the texts which they contain, and are discussed and assessed in the corresponding chapters. That doesn't mean that the only way of dating a text—whether a saga or a piece of law—is through the dating of its manuscript. At any rate, the datings based on the time of the writing only provide a broad reference, and not a specific and definite point in time: for example, it is commonly argued that the sagas in the fourteenth-century manuscript *Möðruvallabók*, which are used in Chapter 4, were written before that time, and there are fragments of sagas which can substantiate this argument, as well morphological evidence that these sagas were copies of older ones. It is not therefore unreasonable to speak of 'thirteenth- and fourteenth-century redactors', as the sagas were probably written and re-written during this period of time.

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⁸⁵ Studies of the relation between Icelanders and the kings of Norway, or of views of kingship within mediaeval Icelandic works, have been either genre-orientated or divided into fictional and historical analysis. See, for example, Richard Gaskins, 'Visions of Sovereignty in Snorri Sturluson's *Heimskringla*', *Scandinavian Journal of History*, 23 (1998), 173–88; Ármann Jakobsson, *Í leit að konungi: konungsmynd íslenskra konungasagna* (Reykjavik: Háskólaútgáfan, 1997) and 'Le Roi Chevalier: The Royal Ideology and Genre of *Hrólfs saga kraka*', *Scandinavian Studies*, 71 (1999), 139–66; John Stanley Martin, 'Some Aspects of Snorri Sturluson's View of Kingship', *Parergon*, 15 (1976), 43–54; Shaun F. D. Hughes, 'The Ideal of Kingship in the *Riddarasögur*', *Michigan Academician*, 10 (1977–78), 321–36 and 'The Ideal of Kingship in the *Fornaldar sögur Norðurlanda*', in *Preprints to the Third International Saga Conference—Oslo 1975*.

Alongside legal texts, diplomatic documents and annals, sagas are used in this book as historical sources. The book will not divide the texts by means of a duality of history and fiction, in which the kings' sagas, bishops' sagas and the sagas collectively named *Sturlunga saga* are classified as 'historical' sagas, while the *Íslendingasögur* are considered to be more fictional. As many scholars have argued before, and as I will discuss below, this division between history and fiction is against the nature of mediaeval texts.⁸⁶

Even among scholars of the twentieth century, the question of using sagas as a source of historical investigation was tied to the question of historicity; their research concentrated on establishing whether or not certain events that were narrated in the sagas occurred. If a saga was truthful, it could be used as a source of history, but to establish whether it was indeed truthful, the saga needed to be approached as a historical work, that is, assessed against an idea of history—that of the production of knowledge and discourse—which did not exist in mediaeval times.⁸⁷ Although the search for the historicity of the sagas, at least in its most naïve and literal sense, has been abandoned, a tendency to regard the sagas as historical works—that is, works which were intended as written history—persists.⁸⁸ It

⁸⁶ Einar Pálsson, 'Myth and the Structure of Medieval Pagan Society in Iceland', in *Second International Saga Conference—Reykjavík*, Photocopies of papers distributed to participants, Reykjavík, 1985, p. 9, complains about how sagas are "described inadequately as either 'historical' or 'fictitious'—little or no distinction being made between the kind of historicity or fiction in question, and mythological implications being totally disregarded". Else Mundal, 'Refleksjonar kring historie, sanning og diktning: metodiske problem ved å bruke sagalitteraturen som historiske kjelder', in *Tradition og historieskrivning: kilderne til Nordens ældste historie*, ed. by Kirsten Hastrup and Preben Meulengracht Sørensen, Acta Jutlandica, 63 (Århus: Aarhus universitetsforlag, 1987), pp. 15–25, reflects on sagas as sources of history and adopts a more flexible view of the usual division of history and fiction in mediaeval Icelandic writing. See also Margaret Clunies Ross, 'The Intellectual Complexion of the Icelandic Middle Ages: Toward a New Profile of Old Icelandic Saga Literature', *Scandinavian Studies*, 69 (1997), 443–53 (p. 449).

⁸⁷ For examples of this practice, see Einar Ólafur Sveinsson, 'The Icelandic Family Sagas and the Period in which Their Authors Lived', *Acta Philologica Scandinavica*, 12 (1937–38), 71–90; Gwyn Jones, 'History and Fiction in the Saga of the Icelanders', *Saga-Book of the Viking Society*, 13 (1946–53), 285–306; Sigurður Nordal, *The Historical Element in the Icelandic Family Sagas*, W. P. Ker Memorial Lectures, 15 (Glasgow: Jackson, 1957); Sven Axel Anderson, 'The Attitude of the Historians Toward the Old Norse Sagas', *Scandinavian Studies*, 15 (1938–39), 266–74; Walter Scheps, 'Historicity and Oral Narrative in *Njáls saga*', *Scandinavian Studies*, 46 (1974), 120–33.

⁸⁸ For instance, Geraldine Barnes, 'Authors Dead and Alive in Old Norse Fiction', *Parergon*, n.s. 8 (December 1990), 5–22 (p. 6), assigns mediaeval narratives to three

is the teleological ghost which haunts scholarship: forcing the status of history onto written works from the past, through theoretical concepts or values and world views by which the scholars themselves are moulded. In order to invest the texts with historical meaning, many scholars treat the mediaeval 'saga-author' as a 'historian', and his work as 'history', as, for example, when Preben Meulengracht Sørensen, speaking of the scholars of the nineteenth century, argues that

few scholars attempted to explain why, if the sagas are fictions, the texts themselves persist in claiming they are works of history; or why, if they were thus regarded as history, they should be presented in aesthetic form, in literary mode.⁸⁹

Sørensen concludes that a saga must be taken "seriously for what it claims to be in all its language and form: a truthful report of past events".⁹⁰ However, investing a saga with an inherent historical quality is not the only way 'to take it seriously', nor is a literary form, by itself, enough to transform a saga into a frivolous subject. Sørensen's assertion also frames the question about the nature of the sagas in a limited way: is a saga historical because it was written in a form which nowadays is recognized as historical, or is it historical because it reports past events truthfully? Both questions assume that there is an inherent historical quality in certain texts.

Diane Whaley also selects a number of criteria (which "present a spectrum, not discrete categories") according to which some works may be considered historical—they should have a "primary intent to preserve information and ideas about the past, rather than, for instance, merely to entertain"; a subject matter with an importance "beyond the local and immediate"; a recognition of "alterity or differences of the past"; and/or "some concern for representing or reconstructing the past in a factually accurate way".⁹¹ However, any

main modes of composition, one of which is "historical (that which claims to record that which has happened, or might plausibly have happened; for example, epic, chronicle, *Íslendingasögur*)".

⁸⁹ Preben Meulengracht Sørensen, 'Historical Reality and Literary Form', in *Viking Revaluations: Viking Society Centenary Symposium 14–15 May 1992*, ed. by Anthony Faulkes and Richard Perkins (London: Viking Society for Northern Research, 1993), pp. 172–81 (p. 173).

⁹⁰ Sørensen, 'Historical Reality', p. 174.

⁹¹ Diana Whaley, 'A Useful Past: Historical Writing in Medieval Iceland', in *Old Icelandic Literature and Society*, ed. by Margaret Clunies Ross, Cambridge Studies in

work can conform to these criteria, and ultimately the decision to classify a work as historical relies on the researcher's concepts of history and fiction. These concepts are (whether we like it or not) fluid, and textual classifications based on a rigid historical or fictional dichotomy are artificial, as Terry Eagleton, while discussing the definition of literature, provocatively reminds us:

A piece of writing may start off life as history or philosophy and then come to be ranked as literature; or it may start off as literature and then come to be valued for its archaeological significance. Some texts are born literary, some achieve literariness, and some have literariness thrust upon them.⁹²

Eagleton reminds us that the category of literature is a way of defining the reader's relation to the written work; it is not a property of the texts themselves:

one can think of literature less as some inherent quality or set of qualities displayed by certain kinds of writing all the way from Beowulf to Virginia Woolf, than a number of ways in which people *relate themselves* to writing.⁹³

The same applies to the modern concept of history. Attempts to establish whether, in Alexander Bugge's words, "some sagas are more, and some less, historical"⁹⁴ will reveal more about the researcher's idea of history than about the sagas themselves. It is not a fruitless work—much important research has been developed within this framework—but this limitation ought to be acknowledged. It is certainly possible to conjecture about how Icelanders related to the sagas—the questions about the anonymity, variability and multiplicity of the mediaeval text discussed in this chapter lay the basis for such an investigation, and throughout this book discussions of this nature will arise.⁹⁵ However, a certain control of the desire to understand

Medieval Literature, 42 (Cambridge: Cambridge University Press, 2000), pp. 161–202 (pp. 165–66).

⁹² Terry Eagleton, *Literary Theory: An Introduction* (Oxford: Blackwell, 1983; repr. 1994), pp. 8–9.

⁹³ Eagleton, *Literary Theory*, p. 9.

⁹⁴ Alexander Bugge, 'Origin and Credibility of the Icelandic Saga', *The American Historical Review*, 14 (1909), 249–61 (p. 260).

⁹⁵ Steblin-Kamenskij's *The Saga Mind* (see the following footnote), Tómasson's *Formálar íslenskra*, Bruce David Holloway, 'History, Science, and the Icelandic Intellectual Tradition in the Middle Ages' (unpublished doctoral dissertation, University of California, Berkeley, 1985), and Gerd Wolfgang Weber, '*Intellegere historiam*:'

and explain the texts according to our own textual perceptions is necessary. A narrative which is considered less historical according to our idea of history was not necessarily considered a piece of fiction by a mediaeval Icelandic, even if he or she did not consider the narrative to be truthful. It may convey, as Steblin-Kamenskij argues, a 'syncretic truth', a useful concept insofar as it reminds us that the relation between the mediaeval text and the mediaeval audience is different from our relation with it.⁹⁶ Recognition of this can provide that control.

In order to use saga narratives as a source of historical investigation, it is not necessary to establish their historicity or to presuppose their historical status by deeming them to be the work of

Typological Perspectives of Nordic Prehistory in Snorri, Saxo, Widukind and Others', in *Tradition og historieskrivning: kilderne til Nordens eldste historie*, ed. by Kirsten Hastrup and Preben Meulengracht Sørensen, Acta Jutlandica, 63 (Aarhus: Aarhus universitetsforlag, 1987), pp. 95–141, discuss the concepts of history of mediaeval Icelanders.

⁹⁶ M. I. Steblin-Kamenskij forwarded the most controversial ideas about the fictional or historical nature of the sagas. In his article 'On the Nature of Fiction in the Saga of the Icelanders', *Scandinavica*, 6 (1967), 77–84, he recognizes two kinds of fiction in the sagas: latent and patent fiction, and in his book *The Saga Mind*, trans. by Kenneth H. Ober (Odense: Odense University Press, 1973), he argues for the existence of a 'syncretic truth' which permeates saga writing. Steblin-Kamenskij's thesis finds echoes in Aaron Ya. Gurevich, 'Saga and History: The "Historical Conception" of Snorri Sturluson', *Mediaeval Scandinavia*, 4 (1971), 42–53, who regards *Heimskringla* as a historiographical production with a 'latent' historical conception. Through an investigation of the role of fate in *Heimskringla*, he deduces that this historical conception was opposed to the Christian historical thought current elsewhere in Europe. Many scholars have responded to Steblin-Kamenskij's thesis, for example: Peter Hallberg, 'The Syncretic Saga Mind: A Discussion of a New Approach to the Icelandic Sagas', *Mediaeval Scandinavia*, 7 (1974), 102–17; Joseph Harris, 'Saga as Historical Novel', in *Structure and Meaning in Old Norse Literature: New Approaches to Textual Analysis and Literary Criticism*, ed. by John Lindow, Lars Lönnroth and Gerd Wolfgang Weber, The Viking collection, 3 (Odense: Odense University Press, 1986), pp. 187–219, proposes that the sagas are works of historical fiction; Hermann Pálsson, 'Review of Steblin-Kamenskij, *The Saga Mind*', *Mediaeval Scandinavia*, 6 (1973), 215–21. On the division between 'fiction' and 'history' in the sagas, see also Gerd Wolfgang Weber, '"Fact" und "Fiction" als Mass-stäbe literarischer Wertung in der Saga', *Zeitschrift für deutsches Altertum und deutsche Literatur*, 101 (1972), 188–200 and Fritz Paul, 'Das Fiktionalitätsproblem in der altnordischen Prosaliteratur', *Arkiv för nordisk filologi*, 97 (1982), 52–66. Peter Foote, 'Sagnaskemtan: Reykjahólar 1119', in *Aurvandilstá: Norse Studies*, ed. by Michael Barnes, Hanns Bekker-Nielsen and Gerd Wolfgang Weber (Odense: Odense University Press, 1984), pp. 65–83, first published in *Saga-Book*, 14 (1953–57), 226–39, explores the saga-author's trust in the truthfulness of his sources. Tómasson, *Formálar íslenskra*, discusses some of these issues: the division between fiction and history (pp. 189–93); Steblin-Kamenskij's concept of synthetic truth (pp. 193–94); the concept of truth in mediaeval Icelandic writing (pp. 245–60). It should be noted, however, that not all the material he discusses is preserved in mediaeval manuscripts.

historians. As far as the division between history and fiction is concerned, this study does not assume *a priori* that the sagas were conceived as literature, history, or a hybrid of these two. This investigation of these thirteenth- and fourteenth-century narratives is intended to reveal, in Robert Darnton's formulation, "not merely what people thought but how they thought—how they construed the world, invested it with meaning, and infused it with emotion".⁹⁷ Regardless of how they were conceived, the sagas can be approached as the historical sources of this investigation in so far as they communicate historical meanings, that is, they convey ideas which can be related to a specific period of history, namely the thirteenth and fourteenth centuries. As Marc Bloch said many years ago:

La diversité des témoignages historiques est presque infinie. Tout ce que l'homme dit ou écrit, tout ce qu'il fabrique, tout ce qu'il touche peut et doit renseigner sur lui.⁹⁸

The diversity of historical accounts is almost endless. Everything that man says or writes, everything that he makes, everything that he touches can and must give information about him.

Recognizing that history and fiction define the reader's relation to the written work does not imply erasing the distinction between fact and fiction. This division exists even if facts cannot be assessed and their reality checked; even if the past has survived to us only as texts. Post-modern criticism of the search for the historical meaning of the text has forced historians to come to terms with its relativism.⁹⁹

⁹⁷ Robert Darnton, *The Great Cat Massacre and Other Episodes in French Cultural History* (New York: Vintage Books, 1984; repr. 1985), p. 3.

⁹⁸ Marc Bloch, *Apologie pour l'histoire: ou métier d'historien*, ed. by Étienne Bloch (Paris: Colin, 1993; repr. 1997); the new, annotated edition of Lucien Febvre's edition of 1949.

⁹⁹ For a summary of this debate, see Gabrielle M. Spiegel, 'History, Historicism, and the Social Logic of the Text', *Speculum*, 65 (1990), 59–86 (repr. in Gabrielle M. Spiegel, *The Past as Text: The Theory and Practice of Medieval Historiography* (Baltimore: Johns Hopkins University Press, 1997), pp. 3–28) and Miguel A. Cabrera, 'On Language, Culture and Social Action', *History and Theory*, 40 (2001), 82–100. See also the 'Forum on Culture and Explanation in Historical Enquiry' in *History and Theory*, 39 (2000), in particular the following articles: John R. Hall, 'Cultural Meanings and Cultural Structures in Historical Explanation', *History and Theory*, 39 (2000), 331–47; Anne Kane, 'Reconstructing Culture in Historical Explanation: Narratives as Cultural Structure and Practice', *History and Theory*, 39 (2000), 311–30 and Chris Lorenz, 'Some Afterthoughts on Culture and Explanation in Historical Inquiry', *History and Theory*, 39 (2000), 348–63.

Gabrielle M. Spiegel, for example, while embracing the post-modern notion that texts “perform elaborate, ideological mystifications of which it is proper to be suspicious and which the text itself inevitably will betray through its ultimate fracturing of meaning”, rejects post-modern theories which tend to “collapse text and context, language and reality, to the same phenomenological order”.¹⁰⁰ She argues that it is necessary

to insist that context is not simply another text, if only for heuristic purposes. In analyzing the meaning of texts, we need to do more than juxtapose them beside the ‘circumambient’ cultural ‘scripts’ of the period . . . a procedure that inevitably aestheticizes culture and transforms text and context onto a species of intertextuality.¹⁰¹

The historical meanings for which I am searching in this analysis of the sagas are, unavoidably, interpretations, but by being grounded on a diversity of material—sagas, legal texts, annals and diplomatic documents, and in Chapter 2, skaldic poetry and archaeological evidence—historical possibilities may emerge.¹⁰² Carlo Ginzburg reminds us that “la conoscenza storica è indiretta, indiziaria, congetturale”¹⁰³ [historical knowledge is indirect, suggestive, conjectural]. However, Ginzburg also emphasizes that the ideas of proof and truth are fundamental to the analysis of sources, and he warns us against the way in which contemporary scholarship devalues these ideas:

La fonte storica tende a essere esaminata esclusivamente in quanto fonte di se stessa . . . in quanto testimonianze di ‘rappresentazioni’ sociali: ma al tempo stesso si respinge, come un’imperdonabile ingenuità positivistica, la possibilità di analizzare i rapporti che intercorrono tra queste testimonianze e le realtà da esse designate o rappresentate.¹⁰⁴

¹⁰⁰ Spiegel, ‘History’, p. 85.

¹⁰¹ Spiegel, ‘History’, p. 85.

¹⁰² I borrow these words from Natalie Zemon Davis, *The Return of Martin Guerre* (Cambridge, Mass.: Harvard University Press, 1983), p. viii, a book to which my own ideas about historical investigation are greatly indebted. Carlo Ginzburg’s ‘Prove e possibilità’, in the Italian edition of Davis’s book (later translated into English as ‘Proofs and Possibilities’, *Yearbook of Comparative and General Literature*, 37 (1988), 113–27), offers an illuminating discussion about the historian’s work through proof and possibilities.

¹⁰³ Carlo Ginzburg, ‘Spie: Radici di um paradigma indiziario’, in *Miti, emblemi, spie: Morfologia e storia*, Piccola Biblioteca Einaudi, 567 (Turin: Einaudi, 1986; repr. 1992), pp. 158–209 (p. 171).

¹⁰⁴ Carlo Ginzburg, *Il giudice e lo storico: considerazioni in margine al processo Sofri*, Gli struzzi, 408 (Turin: Einaudi, 1991), p. 12.

The historical source tends to be examined exclusively as source of itself . . . as testimonies of social ‘representations’: but, at the same time, one rejects—as an unforgivable positivistic naïveté—the possibility of analysing the relations which elapse between these testimonies and the realities that these testimonies design and represent.

Ginzburg rightly argues that the impossibility of gaining access to the historical reality cannot lead to a refusal to investigate the truthfulness of what is represented in the sources—this refusal, Ginzburg argues, expresses a “scetticismo pigramente radicale” [lazily radical scepticism].¹⁰⁵

The same questions must be discussed by those who study the Icelandic sagas; it is not possible to know with absolute certainty whether the accounts about the past which were narrated in the thirteenth- and fourteenth-century sagas correspond to the real facts, or how far their thirteenth- and fourteenth-century narrators and audiences considered them to be genuine. It is not the objective of the historian to extract an absolute truth (otherwise impossible) from his sources, but at the same time he should not be too sceptical of them; as Peter Foote writes,

while a text revealing a thirteenth-century view of the past may, and probably can, tell us something about the writer’s own time, it must also tell us something about that past itself.¹⁰⁶

¹⁰⁵ Ginzburg, *Il giudice e lo storico*, p. 13. Ginzburg further explores the historian’s relation to his evidence in *Rapporti di forza: storia, retorica, prova* (Milan: Feltrinelli, 2000). Many historians have risen against the post-modern views of history to which Ginzburg refers; Robert Anchor, ‘On How to Kick the History Habit and Discover that Every Day in Every Way Things Are Getting Meta and Meta and Meta’, *History and Theory*, 40 (2001), 104–16, discusses post-modern theories of history which—mostly influenced by Hayden White—proclaim that “it’s the unity of the narrative that guarantees the unity of the past” (p. 107). Carlo Ginzburg, ‘Unus Testis: lo sterminio degli ebrei e il principio di realtà’, *Quaderni storici*, 80 (1992), 529–48, scrutinizes Hayden White’s theory. A summary (and a critique) of post-modern historiography is found in Perez Zagorin, ‘History, the Referent, and Narrative: Reflections on Postmodernism Now’, *History and Theory*, 38 (1999), 1–24. A discussion about the post-modernist approach to history can be followed in the response to Zagorin’s article given by the post-modernist historian Keith Jenkins, ‘A Postmodern Reply to Perez Zagorin’, *History and Theory*, 39 (2000), 181–200 and Zagorin’s ‘Rejoinder to a Postmodernist’, *History and Theory*, 39 (2000), 201–09.

¹⁰⁶ Peter Foote, ‘Historical Studies: Conversion Moment and Conversion Period’, in *Viking Revaluations: Viking Society Centenary Symposium 14–15 May 1992*, ed. by Anthony Faulkes and Richard Perkins (London: Viking Society for Northern Research, 1993), pp. 137–44 (p. 141). Similarly, Jón Viðar Sigurðsson, *Chieftains and Power*, p. 28, argues that thirteenth-century Icelanders were “relatively well informed” about the Saga Age.

However, the response to the ephemeral quality of the past has been met by a scholarly attitude that is extremely suspicious of analysis which attempts to assess anything beyond the representation of the past: Régis Boyer writes that the *sagnamenn* “had to recreate a world which they had forgotten”,¹⁰⁷ and Margaret Clunies Ross argues that “the historical past, which was recognised as lost, came to be recreated as narrative and as literature. History became literature and literature was history”.¹⁰⁸ These analyses share (perhaps unconsciously) the premiss that mediaeval Icelandic literature was a result of the Icelanders’ nostalgia for an heroic age, a literature written on the verge of decadence (that is, the submission to the Norwegian king in the thirteenth century). The idea can be summarized by the words of Kathryn Hume:

What brought sagas forth was a combination of contributing forces: the accessibility of writing materials; the presence of literate men with secular tastes, whether in or out of the Church; discontent with the contemporary age because it seemed less heroically admirable than the past; desire to keep alive memory of that past—Snorri’s *Prose Edda* is another document from the saga-writing period which was composed to preserve knowledge of the superior practices of the past; and, finally, fears and discontents related to Norwegian rule . . . the sagas are an affirmation of national heroic identity in a time of pressure and crisis.¹⁰⁹

It is partly the objective of this book to argue against this idea of decadence, especially the supposed decadence brought by the submission to the Norwegian king (this is discussed in Chapter 3). For now, I shall argue that there is no indication in the sagas that the Icelandic past had been more ‘lost’ than any other, nor that the Icelanders had forgotten it. At least, these assumptions cannot be made *a priori*. The degree to which these sources are to be trusted or distrusted depends not only on the historian’s own subjectivity, but also on the way he uses other available sources to understand

¹⁰⁷ Régis Boyer, ‘Fate as a *Deus Otiosus* in the *Íslendingasögur*: A Romantic View?’, in *Sagnaskemmtun: Studies in Honour of Hermann Pálsson on his 65th Birthday*, ed. by Rudolf Simek, Jónas Kristjánsson and Hans Bekker-Nielsen, *Philologica Germanica*, 8 (Vienna: Böhlau, 1986), pp. 61–77 (p. 64).

¹⁰⁸ Margaret Clunies Ross, *Prolonged Echoes: Old Norse Myths in Medieval Northern Society*, The Viking Collection, 7, 10, 2 vols (Odense: Odense University Press, 1994–98), II: *The Reception of Norse Myths in Medieval Iceland* (1998), p. 49.

¹⁰⁹ Kathryn Hume, ‘Beginnings and Endings in the Icelandic Family Sagas’, *Modern Language Review*, 68 (1973), 593–606 (p. 602).

the historical moment he is analysing. In this study, I use legal and diplomatic texts, contrasting them with the narrative sources, to build up a view of this historical moment. How these legal texts are to be approached, in relation to the sagas and narrative sources, and within the framework suggested by Ginzburg, will be examined in the following chapter.

CHAPTER TWO

THE LAW OF ÓLÁFR INN HELGI

1 *Introduction*

Manuscript GKS 1157 fol. (c. 1250) preserves the legal texts collectively known as *Grágás*; two sections within a chapter of this manuscript that deals with a variety of subjects¹ provide valuable evidence about the relations between Icelanders and the Norwegian kings. These sections have been referred to as an agreement or treaty made between Óláfr inn helgi (ruled 1014–30) and the Icelanders.² The first section has the heading ‘Frá rétt Nóregs konungs á Íslandi’ [About the rights of the king of Norway in Iceland] and the other ‘Um rétt Íslendinga i Nórégi’ [About the rights of Icelanders in Norway].³ The editors of *Norges gamle love* denote these sections ‘forordning’, and Jón Sigurðsson, ‘tilskipan’ (both words meaning ‘decree’, ‘ordinance’). At the end of the legal text is written:

Dann rett oc þa lög gaf olafur hin hælgi konungr islendingom. er her er merkþr. Gitzor biskup oc Teitr filius eius. Marcus. Hrein. Einar. Biorn. Guðmundr. Daðe. Holmstein. þeir svoro þess. at Isleifr biskup oc menn

¹ See Section 3 below where the full contents of the chapter are set out.

² Jón Jóhannesson, *Íslendinga saga*, 2 vols in 1 ([Reykjavík]: Almenna bókafélagið, 1956–58), I, pp. 134–42; Martina Stein-Wilckshuis, ‘Laws in Medieval Iceland’, *Journal of Medieval History*, 12 (1986), 37–53 (p. 44). Bogi Th. Melsteð, *Íslendinga saga*, 3 vols (Copenhagen: Möller, 1903–30), II (1910), pp. 564–65, claims that in approximately 1022 King Óláfr inn helgi might have ensured that the Icelandic *Alþingi* made a law about the rights of the Norwegian king and his subjects in Iceland.

³ *NgL*, I, pp. 437–38. See also *GrðKon*, II, §§ 247–48, pp. 195–97; *DI*, I, no. 16, p. 54 and no. 21, pp. 65–70, which also includes the text from the manuscript AM 136 4^o (c. 1480–1500). A transcription of the law is provided in Appendix 1. I have rendered the Old Norse ‘réttr’ in an English way: in these headings, although the word appears in the singular, I translate it in the plural, ‘rights’. In *The Earliest Norwegian Laws: Being the Gulathing Law and the Frostathing Law*, trans. by Laurence M. Larson, Records of Civilization Sources and Studies, 20 (New York: Columbia University Press, 1935), p. 13, Larson explains that “in general the term *réttr* (right) was taken to mean what it means today; but it was also used in the sense of rank, and it was further used to indicate the material compensation for injuries to which a citizen of some particular rank was entitled”. This will be discussed in Section 4 below.

með honom svorðo til þess rettar sem her er merçpr. At þan rett gaf olafr en hælgi islendingom eða betra.⁴

These rights and these laws the holy King Óláfr gave to the Icelanders, which are here set down. Bishop Gizurr and his son Teitr, Markús, Hreinn, Einarr, Björn, Guðmundr, Daði, Hólmsteinn, they swore it, that Bishop Ísleifr and people with him swore to these rights which are set down here, that Saint Óláfr gave these rights, or better, to the Icelanders.⁵

At this point, it is necessary to use the most neutral and broad term; therefore I shall refer to the text generically as laws (and hereafter the *Ólafslög*). It is not certain whether the section concerning the rights of Norwegians in Iceland was included among the laws and rights given by King Óláfr inn helgi as mentioned in the passage above, but in the interest of clarity this section of the law will be dealt with as part of the *Ólafslög*.

Jón Sigurðsson dates the *Ólafslög* to 1022; he argues that Bishop Ísleifr bore witness to these laws in 1057 and that Bishop Gizurr and other men swore to their validity in 1083.⁶ Jón Jóhannesson argues that on this second occasion the laws were committed to writing.⁷ Although it is possible that the laws were written down by the time of Bishop Gizurr, it is also possible that they were never written down until the thirteenth century.⁸ Jóhannesson also observes that no mention of an agreement, ‘samningur’, between Óláfr inn helgi and the Icelanders is found in other sources; this, he remarks, is strange, since the ‘agreement’ must have been well known. However, there is at least one direct mention of a ‘law’ between the Icelanders and Óláfr inn helgi which corresponds to one of the provisions of the *Ólafslög*, and there are indirect references to matters found in the

⁴ All the quoted passages of the *Ólafslög* are taken from the transcription in Appendix 1; hereafter they will be quoted without references.

⁵ In the translation, on the two occasions when ‘þann rétt’ [this right] appears, I have translated it as ‘these rights’. Note that ‘til þess rettar’ [to these rights] is originally in the plural.

⁶ *DI*, I, pp. 53, 64. See Melsteð, *Íslendinga saga*, II, pp. 564–65 and also his *Rjettur Íslendinga í Noregi og Norðmanna á Íslandi á dögum þjóðveldisins*, Íslensk smárit handa alþýðu, 2 (Copenhagen: Möller, 1913), pp. 13–14, 19–20.

⁷ Jóhannesson, *Íslendinga saga*, I, p. 134: “Vafalaust hefur samningurinn verið skráður, um leið og síðari svardagarnir fóru fram” [Undoubtedly, the agreement was recorded immediately after the oaths were taken].

⁸ It must be noted, however, that rarities such as the use of the verb ‘merkja’, the Latin ‘filius eius’, and the absence of patronymics indicate that the thirteenth-century text preserves an old text.

Ólafslög in many sagas, which show that at least some provisions of the *Ólafslög* might have been well known.⁹ It is possible that the laws never existed in the eleventh century in the organized, treaty-like way in which they are found in the thirteenth-century manuscript—they might have been put together in that way by the recorders of the law. Whether or not these laws were given by King Óláfr inn helgi to the Icelanders in the eleventh century is a question which cannot be answered: the material evidence available does not allow us either to confirm or reject it confidently, as there are no extant legal texts from the eleventh century and only few fragments from the twelfth century.

The present chapter discusses what the *Ólafslög* reveal about the relations between Icelanders and the King of Norway. Along with Chapter 3, it will assess the legal texts independently from the saga narratives, but searches within the sagas for direct and indirect references to the laws. This analysis of the *Ólafslög* will focus particularly upon those legal provisions which can throw some light, first, on the social and legal status of the Icelanders before the Norwegian king, and second, on the role of ancestral land (*óðal*, allodial land) in determining and defining this socio-legal status. In doing so, it anticipates some questions which are discussed in Chapter 4. The following section focuses exclusively on the methodological questions concerning legal research into the *Grágás* texts, not all of the Scandinavian laws, even if some of these problems concern the latter.

2 *Grágás in historical and literary studies*

The collection of laws known as *Grágás* is considered to be the main source of Icelandic laws for the period preceding the submission to the Norwegian king (c. 1262). The manuscripts which contain the *Grágás* laws are GKS 1157 fol., known as *Codex Regius* or *Konungsbók* (c. 1250), and AM 334 fol., known as *Staðarhólsbók* (c. 1260–70), but fragments of legal texts are also preserved in manuscripts from the twelfth and thirteenth centuries.¹⁰ Much of our understanding of these laws is thoroughly conditioned by the work of nineteenth-century scholars such as Konrad Maurer, Vilhjálmur Finsen, Andreas

⁹ See Sections 4 and 5 below and also Chapter 4.

¹⁰ *QNP*, pp. 259–60.

Heusler and Ólafur Lárusson.¹¹ At the time when these scholars were working, the legal texts were often compared to the legal material found in the sagas, as a method of illuminating the legal texts, as well as of establishing the historicity of the sagas themselves. Maurer argued that *Grágás* contained some laws of the pre-submission period, but also collections of different types of legal material (such as judgments, opinions, customs). He also argued that the extant *Grágás* laws were products of the specific time when they were written down, that is of the thirteenth century.¹² Finsen regarded the *Grágás* manuscripts as private law-books which had public (legislative) authority and represented the agreed law of the period.¹³ Andreas Heusler regarded the *Grágás* manuscripts as official records based on the pronouncements of the *lögsögumaðr* at the *Alþingi*.¹⁴ He also proposed that the study of the legal material in the sagas and in *Grágás* should be carried out separately. He discriminated between the legal material found in the sagas and in *Grágás*, and argued that the sagas reflected an older legal system.¹⁵ Ólafur Lárusson relied on the accounts of

¹¹ Konrad Maurer, *Vorlesungen über altnordische Rechtsgeschichte*, 5 vols in 7 (Leipzig: Deichert, 1907–38), iv (1909); *Das Staatsrecht des isländischen Freistaates* and V (1910): *Altisländisches Strafrecht und Gerichtswesen*; Vilhjálmur Finsen, *Om den oprindelige ordning af nogle af den islandske fristats institutioner*, Kongelige danske Videnskabernes Selskab, 6 (Copenhagen: Bianco Lunos, 1888) and ‘Om de islandske love i fristastiden’, *Aarboeger for nordisk oldkyndighed og historie* (1873), 101–250; Andreas Heusler, *Das Strafrecht der Isländersagas* (Leipzig: Duncker & Humblot, 1911) and *Zum isländischen Fehdewesen in der Sturlungazeit*, *Abhandlungen der königlich preussischen Akademie der Wissenschaften philosophisch-historische Klasse*, 4 (Berlin: Königliche Akademie der Wissenschaften, 1912); Ólafur Lárusson, *Grágás og lögbækurnar* (Reykjavík: Árbók Háskóla Íslands, 1922), ‘Grágás’, in *Lög og saga* (Reykjavík: Hlaðbúð, 1958), pp. 119–34, first publ. in *Tíðskrift for rettsvitenskap*, 66 (1953), 465–79, and translated into English as ‘On *Grágás*: The Oldest Icelandic Code of Law’, in *Þriðji Vikingafundur Reykjavíkur 1956* ([Reykjavík]: Ísafoldaprentsmiðja, 1958). A review of the use of mediaeval Scandinavian laws and related scholarship, including extensive references, is found in Per Norseng, ‘Law Codes as a Source for Nordic History in the Early Middle Ages’, *Scandinavian Journal of History*, 16 (1991), 137–66. Theodore M. Andersson, *The Problem of Icelandic Saga Origins: A Historical Survey*, Yale Germanic Studies, 1 (New Haven: Yale University Press, 1964), pp. 42–44, briefly touches on the use of legal material in the sagas and its relation to the problem of saga origins.

¹² Konrad Maurer, *Island von seiner ersten Entdeckung bis zum Untergange des Freistaats* (Munich: Kaiser, 1874), p. 471 and *Udsigt over de nordgermaniske retskilders historie*, trans. by Ebbe Hertzberg (Oslo: Brøgger, 1878), pp. 80–81. Maurer’s theory of private collections of laws, *Rechtsbücher*, was in fact applied to the whole of mediaeval Scandinavian laws; see Norseng, ‘Law Codes’, pp. 147–48.

¹³ Finsen, ‘Om de islandske love’, pp. 105–31 (p. 109).

¹⁴ Heusler, *Das Strafrecht*, p. 2.

¹⁵ Heusler, *Das Strafrecht*, pp. 3, 7–9.

Íslendingabók and *Landnámabók*, and considered *Grágás* to derive from laws written in the twelfth century.¹⁶

Much criticism and revision has been carried out on the works of these scholars, in particular on the idea that the legal texts written in the extant manuscripts contain older layers of law, dating back to the Viking age, as well as on the origins of the extant Icelandic and Norwegian texts.¹⁷ Although the analysis carried out by these and many other scholars is invaluable, it presents a number of methodological problems which deserve re-evaluation, two of which have a direct bearing on the present study: the analysis displays the marked influence of German legal positivism, and is also too dependent on accounts of events and of the laws found in other Icelandic sources, such as the annals and sagas.¹⁸ Combined, these factors had a great effect on the actual understanding of the legal texts (what such legal texts represent, why they were written). The influence of legal positivism also had a great effect on the editing of the Norwegian legal texts and the material that I will compare with *Grágás*; I will address this problem later. The dependency of the analysis on sagas and annals may be illustrated by the difficulties concerning the dating of the *Grágás* and *Járnsíða* texts in the *Staðarhólsbók* manuscript.

Staðarhólsbók contains two legal texts, which have been identified by scholars as *Grágás* and *Járnsíða*.¹⁹ Attempts to date the manuscript

¹⁶ Lárusson, 'Grágás', pp. 119–24.

¹⁷ See, for example, Sigurður Lindal, 'Lög og lagasetning í íslenzka þjóðveldinu', *Skímir*, 158 (1984), 121–58, who reviews the influence which legal scholars of the nineteenth century exerted upon the studies of mediaeval Icelandic laws. See also Peter Foote, 'Some Lines in *logréttupátr*: A Comparison and Some Conclusions', in *Sjötú ritgerðir helgaðar Jakobi Benediktssyni 20. júlí 1977*, ed. by Einar G. Pétursson and Jónas Kristjánsson, Stofnun Árna Magnússonar á Íslandi, 12, 2 vols (Reykjavík: Stofnun Árna Magnússonar á Íslandi, 1977), 1, pp. 198–207; 'Oral and Literary Tradition in Early Scandinavian Law: Aspects of a Problem', in *Oral Tradition Literary Tradition: A Symposium*, ed. by Hans Bekker-Nielsen and others (Odense: Odense University Press, 1977), pp. 47–55; and 'Reflections on *Landabrigðisþátr* and *Rekapátr* in *Grágás*', in *Tradition og historieskrivning: kilderne til nordens ældste historie*, ed. by Kirsten Hastrup and Preben Meulengracht Sørensen, Acta Jutlandica, 63 (Aarhus: Universitetsforlag, 1987), pp. 53–64; Norseng, 'Law Codes', pp. 148–49. Norseng also gives an extensive list of scholars engaged in a revision of the use of Scandinavian legal material (p. 137, fn. 1).

¹⁸ For a discussion of the use of sagas and annals in relation to one another, and to the law-codes, see Chapter 3, Sections 4 and 6.6.1.

¹⁹ Originally, the first leaf of the manuscript was left blank, but afterwards the so-called *Dómakapítuli*, probably from *Járnsíða*, was written on it; see *Staðarhólsbók: The Ancient Lawbooks 'Grágás' and 'Járnsíða' Ms no. 334 fol. in the Arna-Magnæan Collection in the University Library of Copenhagen*, with an introduction by Ólafur Lárusson, Corpus

have been governed by two accounts found in Icelandic sources, concerning the introduction and acceptance of two post-submission law-codes. According to *Árna saga biskups* and three fourteenth-century Icelandic annals, King Magnús Hákonarson had a law-book sent to Iceland in 1271, which was approved at the *Alþingi* in 1272–1273.²⁰ This law-book is now referred to as *Jámsíða*, which is the name given to it in the *Resensannáll* (AM 424 4^o, c. 1700).²¹ According to *Árna saga biskups* and the *Skálholts annáll*, another law-code, known as *Jónsbók*, was brought to the country in 1280 and was accepted at the *Alþingi* in 1281.²² The first scholars who tried to establish the age of *Staðarhólsbók* dated it to the fourteenth century because of the inclusion of St Magnús's Day among the sacred days in its *Grágás* text.²³ Jón Sigurðsson dismissed this argument, since the saint's day could have been regarded as sacred for a long time before it was legalized in the fourteenth century. Sigurðsson took into consideration those accounts of the introduction of *Jámsíða* and *Jónsbók* in Iceland and argued that the manuscript could be dated no earlier than 1271, but no later than 1280. He proposed that nobody would have bothered to write down the old, ineffective laws without also recording the new ones:

Codicum Islandicorum Medii Ævi, 9 (Copenhagen: Levin & Munksgaard, 1936), pp. 11, 13.

²⁰ *ABp*, chapters 18–20, pp. 27–29. Accounts of the giving of this law-book, more or less similar to the one narrated in the saga, are found in *AnnReg*, p. 138; *AnnSk*, p. 194; *AnnLög*, pp. 258–59.

²¹ *AnnRes*, p. 28: “Stvrla com vt [með] logboc Jarn síðv” [Sturla arrived [in Iceland] with the law-book *Jámsíða*].

²² *ABp*, chapters 57–63, pp. 80–97; *AnnSk*, p. 195; but see *AnnLög*, p. 260. See Chapter 3, Section 6.3, footnote 76.

²³ *GrgStað*, p. 40; see *Staðarhólsbók*, pp. 8–9. *AnnReg*, p. 153, records for the year 1326: “logtekiit a alþingi de corpore Christi. ok Magnus messa iarlls.” [The acceptance of the law at the *Alþingi*. The Masses of Corpus Christi and jarl Magnús]; compare *AnnSk*, p. 205; *AnnLög*, p. 268; *AnnFlat*, p. 396. For a fuller review of scholarship about the dating of the manuscript, see *Staðarhólsbók*, pp. 8–11 and the references therein. St Magnús's Day is also mentioned in the *Konungsbók-Grágás* (*GrgKon*, 1, § 13, p. 31); see also *The Codex Regius of Grágás: Ms. no. 1157 in the Old Royal Collection of The Royal Library Copenhagen*, with an introduction by Páll Eggert Ólason, *Corpus Codicum Islandicorum Medii Ævi*, 3 (Copenhagen: Levin & Munksgaard, 1932), p. 7. Margaret Cormack, *The Saints in Iceland: Their Veneration from the Conversion to 1400*, *Subsidia Hagiographica*, 78 (Brussels: Société des Bollandistes, 1994), p. 71, does not date the first attestation of St Magnús's Day. While she concludes that the cult of St Magnús flourished in the fourteenth century, she rightly does not dismiss the evidence of both *Grágás* manuscripts, which would suggest that St Magnús “may have been the object of local veneration in the thirteenth century . . . and earlier” (p. 121).

Það er ekki líklegt, að menn hefði tekit fyrir sig að láta rita svo ágætt og vandað handrit af Kristinrètti, Grágás og Járn síðu, eptir að öll þessi lög voru úr gildi gengin.²⁴

It is not probable that men would have taken it upon themselves to let such fine and elaborate manuscripts of the *Kristinréttr*, *Grágás* and *Járn síða* be written, after all these laws had lost their validity.

There is no basis, however, for such an assertion. Indeed, the quantity and variety of legal texts copied in Iceland from the thirteenth century onwards indicates that there was a constant interest in old as well as new laws. If fine, elaborate manuscripts were not the norm, it could well be that the manuscript was intended, as Konrad Maurer suggested, to be used for legislative purposes, as a scholarly reference to the laws in use up to the period of writing. On the basis of the contents of both the *Grágás* and *Járn síða* texts in the manuscript, Maurer argued that the manuscript was written between the years 1262 and 1271.²⁵ He conjectured that the production of legal manuscripts during the end of the thirteenth century was related to the submission of the Icelanders to the rule of the Norwegian kings:

Maaske er det tilladt hertil at knytte den Formodning, at begge Samlinger have staaet i Forbindelse med de Lovgivningsarbejder, hvorved man strax efter Øens Underkastelse under Norge søgte at bringe dens Ret i Overensstemmelse med de nyindtraadte, statsretslige Forhold.²⁶

Perhaps here one might make the supposition that both collections were connected to the legislative work, by means of which, immediately after the submission to Norway, it was attempted to bring the law into agreement with the newly created constitutional situation.

Per A. Munch promoted the idea that *Staðarhólsbók* was the manuscript which was brought to Iceland in 1271 by the Icelanders, Sturla Þórðarson and Þorvarðr Þórarinnsson, and the Norwegian, Eindriði böggull, as described in *Árna saga biskups*.²⁷ Munch argued that the

²⁴ *DI*, I, p. 87.

²⁵ See Maurer, *Vorlesungen*, v, p. 10 and the references he gives.

²⁶ Maurer, *Udsigt*, pp. 81–82.

²⁷ Per Andreas Munch, *Det norske folks historie*, 6 vols in 8 (Oslo: Tønsberg, 1852–63), iv.1 (1858), p. 627. *ABp*, chapter 18, p. 27: “Á þessu sumri sendi virðuligr herra Magnús konungur til Íslands Þorvarð Þórarinnsson ok Eindriða böggul, hirðmann sinn, þar með Sturlu Þórðarson með lögbók norræna” [In this summer, the honourable lord, King Magnús, sent Þorvarðr Þórarinnsson and Eindriði böggul, a man from his *hirð*, to Iceland, along with Sturla Þórðarson, with the Norwegian law-book].

brief period in which *Járnsíða* was valid would not allow for the existence of many copies of it.²⁸ Vilhjálmur Finsen was the first to point out that the *Grágás* and *Járnsíða* texts in *Staðarhólsbók* were not written by the same hand. He identified two main hands and eight minor hands which were responsible for the writing of the *Grágás* text, and only one hand responsible for the writing of *Járnsíða*. He also estimated that the *Járnsíða* hand could be dated about twenty years later than the *Grágás* hand.²⁹ Finsen then concluded that the *Grágás* text was written about 1260, or before 1262, and the *Járnsíða* text between the years 1275 and 1280.³⁰

This brief summary of past scholarship shows that the effort to establish the date of the writing of *Staðarhólsbók* was also an effort to make the writing down of the legal texts conform to the accounts in the sagas and annals. What lay beneath the arguments for one date or another was—understandably—the search for the rationale behind the recording of these laws. Indirectly, scholars who engaged in arguments about the date of *Staðarhólsbók* were trying to answer why these laws were recorded in the first place, whether they were intended to be used as prescriptive laws or as guidelines for the drafting of other codes. In itself, this is a useful and commendable scholarly goal, but some of the views that underlie the arguments (especially those of Sigurðsson, Finsen, Munch and Lárusson) reveal the belief in a prescriptive, codified legal text, encompassing all of the Icelandic laws of the pre-submission period—the *Grágás* text—and are the product of the legal positivism which I will discuss below. Finsen's palaeographic efforts were primarily intended to prove that the *Grágás* text was older than the *Járnsíða* text and was therefore a reliable witness to the laws of pre-submission Iceland. In fact, although the *Grágás* and *Járnsíða* texts were written by different hands, the difference in age between the hands, which Finsen estimated at twenty years, is a conjecture made on the basis of the saga and annalistic accounts. That is not to say that this kind of conjecture is not valid—just that it needs to be taken as strictly conjectural. Moreover, even if a period of twenty years separates the writing of the *Grágás* text from the writing of the *Járnsíða* text in *Staðarhólsbók*, these texts are contempora-

²⁸ Munch, *Det norske folks historie*, iv.1, p. 627 (fn. 2).

²⁹ *GrGStað*, pp. viii–ix. Finsen reached this number by attributing to the *Grágás* text in *Staðarhólsbók* the same age as the *Grágás* text in *Konungsbók*.

³⁰ *GrGStað*, pp. ix–x.

neous enough to be part of the legislative effort which Maurer had in mind. Eventually, Finnur Jónsson discovered a lost leaf of the manuscript *Kringla* and argued that this leaf was written by the main scribe involved in the writing of *Staðarhólsbók*.³¹ His hypothesis was subsequently confirmed by Stefán Karlsson, who, in addition, argues that one of the scribes responsible for the writing of the *Grágás* text in the *Konungsbók* manuscript was also involved in the writing of the main portion of the *Grágás* text in *Staðarhólsbók*. Stefán Karlsson concludes that the whole of *Staðarhólsbók* was probably written between 1262 and 1271, and that the datings of both Lárusson and Maurer conform to this.³² On this basis, and accepting Maurer's idea that the *Grágás* texts were produced in connection with a legislative revision, Gunnar Karlsson proposes that the *Grágás* text in *Staðarhólsbók* was written with some cognizance of *Jámsíða*.³³ Gunnar Karlsson's theory also stems from his brief analysis of the differences between the two *Grágás* texts; however tempting it is, his suggestion needs to be thoroughly tested against an analysis, based on a different concept of law, of the two *Grágás* texts. Moreover, although he bases his analysis on a careful reading of past scholarship, he does not analyse the legal positivist assumptions that underpin it. As seen above, the problems concerning the dating of the manuscripts and the reason behind their writing are inevitably interlaced in a more or less circular reasoning. This is why, in order to cut through this circularity, the contradictions and differences within and between the two *Grágás* texts must play an important part in our analysis and not be swept aside, as they have been by some scholars. It was the legal positivism of nineteenth-century scholars that allowed the contradictions between the texts to be pushed aside in this way.

German legal positivism had a great influence on nineteenth-century scholarship's understanding of the *Grágás* texts, as well as of these texts' relations with the Norwegian laws, and also with other

³¹ Finnur Jónsson, 'De bevarede brudstykker af skindbøgerne Kringla og Jöfraskinna i fototypisk gengivelse', *Samfund til udgivelse af gammel nordisk litteratur*, 24 (Copenhagen: Møller, 1895), pp. vi–vii; see also Chapter 1, Section 2 above.

³² Stefán Karlsson, 'Kringum Kringlu', in *Stafkrókar: ritgerðir eftir Stefán Karlsson gefnar út í tilefni af sjötugsafmæli hans 2. desember 1998*, ed. by Guðvarður Már Gunnlaugsson (Reykjavík: Stofnun Arna Magnússonar á Íslandi, 2000), pp. 253–73 (p. 267), first publ. in *Árbók—Landsbókasafn Íslands*, n.s. 2 (1976), 5–25.

³³ Gunnar Karlsson, 'Ritunartími Staðarhólsbókar', in *Sölhvarfasumbl: saman borið handa Þorleifi Hauksyni fimmtugum 21. desember 1991* (Reykjavík: Menningar og Minningarsjóður Mette Magnussen, 1992), pp. 40–42 (p. 42).

later Icelandic mediaeval law-books, *Jámsíða* and *Jónsbók*. An important concept within German legal positivism, which it inherited from the casuistic historicism of Carl Von Savigny, is the notion that the law is the expression of the free consciousness of the people (or popular spirit, *Volksgeist*), which in turn is produced through history and is the primordial source of law. This emphasis on the *Volksgeist*—customs and traditions embodied in institutions—gave place to the very organized, systematized concept of the law of the legal positivists.³⁴ For them, law was a rigid and more or less coherent ‘system’, as Duncan Kennedy conveniently summarizes:

In the nineteenth century, the German historical school developed a positivist version of normative formalism. A national system of law reflects, as a matter of fact, the normative order of the underlying society. Such a normative order is coherent or tends toward coherence on the basis of the spirit and history of the people in question; ‘legal scientists’ can and should elaborate the positive legal rules composing ‘the system’ on the premise of its internal coherence. In the late nineteenth century, the German pandectists (Windscheid, Puchta) worked at the analysis of the basic conceptions of the German common-law version of Roman law (right, will, fault, person) with the aim of establishing that this particular system could be made internally coherent, and also could approach gaplessness.³⁵

Law was a totality, and a coherent totality.³⁶ Therefore, contradictions within the legal texts were considered something out of the ‘normal’ order and were tackled as something which ought to be solved. There were also no ‘gaps’ in the law (they were just apparent), since the legal system, being a totality, would always supply a generic legal norm. This idea of completeness and coherence directly

³⁴ On the theories of legal thought, I use Maria Helena Diniz, *Compêndio de introdução à ciência do direito*, 2 edn (São Paulo: Saraiva, 1989), and Tércio Sampaio Ferraz Jr., *Conceito de sistema no direito* (São Paulo, Revista dos Tribunais, 1976) and *A ciência do direito* (São Paulo: Atlas, 1977).

³⁵ Duncan Kennedy, ‘Two Globalizations of Law & Legal Thought: 1850–1968’, *Suffolk University Law Review*, 36 (2003), 631–79 (p. 638); see also his ‘Toward an Historical Understanding of Legal Consciousness: The Case of Classical Legal Thought in America, 1850–1940’, *Research in Law and Sociology*, 3 (1980), 3–24.

³⁶ Law was also an essential part of society, as Ólafur Lárusson, ‘Straumhvörf í fjármunaréttinum’, in *Lög og saga* (Reykjavík: Hlaðbúð, 1958), pp. 1–22 (p. 1), first publ. in *Samtíð og saga*, 1 (1941–1954), 29–49, celebrating Windscheid, says: “Rétturinn er þerna menningarinnar, eins og Windscheid komst að orði, en þerna, sem krýnd er drottningarkórónu” [Law is the servant of culture, as Windscheid has put it, but a servant crowned with the crown of a queen].

informs the idea (defended specially by Finsen and Lárusson) that both *Grágás* texts were remnants of a now-lost manuscript containing a complete codified law, and could therefore be read side by side for the purpose of analysis.³⁷ If Finsen and Lárusson's views have been widely criticised by scholars of Icelandic and Scandinavian law, these views are frequently and implicitly used in historical and literary analysis, in which the legal texts are quoted without caveats: *Grágás* has become a synonym for the Icelandic law of a vague period before the submission to the Norwegian king in the thirteenth century, and very seldom are the contradictions and differences between the two *Grágás* texts given proper consideration.³⁸

The idea of the completeness of the legal system affects the way in which different legal texts are compared to each other. Faced with variant texts from manuscripts of disparate centuries, scholars have been satisfied with conflating them and also with comparing texts to each other on the basis of purely textual analysis. This is certainly the case in the analysis of correspondences between legal texts carried out by Ebbe Hertzberg and Ólafur Lárusson. Hertzberg compared Norwegian legal texts to each other and to *Jámsíða*, and Lárusson compared *Grágás* to *Jámsíða* and *Jónsbók*.³⁹ Their comparative analysis is essentially textual; similar passages in these laws are frequently treated as mere borrowings, omissions or additions.⁴⁰ They also did not attempt to establish the correspondences between the *Grágás* texts and the Norwegian *Gulapingslög* and *Frostapingslög* (though they did with *Jámsíða* and *Jónsbók*), but without such analysis, their use of terms such as 'Icelandic law' and 'Norwegian law' cannot be fully validated.⁴¹ Finally, when comparing *Grágás* to other Icelandic

³⁷ See, for instance, Lárusson, 'On *Grágás*', p. 84; Foote, 'Oral and Literary Tradition', p. 52.

³⁸ Analysis such as that carried out in brief by Gunnar Karlsson, in the first part of 'Ritunartími Staðarhólsbókar', in *Sólwarfasumbl: saman borið handa Þorleifi Haukssyni fimmtugum 21. desember 1991* (Reykjavík: Menningar og Minningarsjóður Mette Magnussen, 1992), is earnestly needed.

³⁹ Hertzberg's analysis is published in *NgL*, v, pp. 835–52; Lárusson's is in *Grágás og lögbækurnar*, pp. 9–65.

⁴⁰ Lárusson, *Grágás og lögbækurnar*, p. 4, even speaks of the authors of the legal manuscripts: "Þó virðist svo að höfundar lögbókanna hafi venjulega vikið meira frá orðalagi heimildarinnar þar sem þeir nota *Grágás* að heimild, en þegar þeir hafa norsk lög að heimild" [However it seems that the authors of the law-books have usually deviated more from the wording of the sources when they use *Grágás* as their source, than when they have Norwegian laws as their source].

⁴¹ This is also the case in Jana Kate Schulman, 'Women Between the Texts:

texts, *Jámsiða* and *Jónsbók*, both *Grágás-Konungsbók* and *Grágás-Staðarhólsbók* are used concomitantly, without the requisite analysis of their internal structure.⁴² Although listings of the correspondences between the two *Grágás* texts have been made, and conflation of the two texts was discarded early on (Lárusson says the conflated edition from 1829 by the Arnarnagneyan Commission was a “failure”),⁴³ the two *Grágás* texts have not been analysed under a considerably different perspective from that set by Hertzberg, Lárusson and Finsen.

The selection of Norwegian laws as comparative material for this chapter presents other problems. As in the *Grágás* texts, it is not possible to determine with any certainty the age of the texts as they appear in the extant manuscripts.⁴⁴ The problem is aggravated by the disparate dates of the manuscripts. Although the *Gulapingslög* and *Frostapingslög* are thought to be contemporaneous, their extant manuscripts are not. The oldest manuscript of the *Gulapingslög* is DonVar

Legal License and Literary Discourse in Medieval Iceland’ (unpublished doctoral dissertation, University of Minnesota, 1995). Schulman compares the legal material about women in three Icelandic legal texts—*Grágás*, *Jámsiða* and *Jónsbók*—to each other and, in the case of *Jámsiða* and *Jónsbók*, to Norwegian legal texts, but does not establish the relations between the *Grágás* laws and the *Gulapingslög* and *Frostapingslög*. Notwithstanding such methodological problems, Schulman’s thesis shows that Norwegian and Icelandic laws were interwoven and that thirteenth-century relations between Iceland and Norway went well beyond the political arena.

⁴² Lárusson, *Grágás og lögbækurnar*, pp. 7–65. A list of the textual correspondences between the two *Grágás* texts is found in *GrgSkál*, pp. 533–67. Similar lists are given in *Laws of Early Iceland: Grágás, the Codex Regius of Grágás with Material from Other Manuscripts*, ed. and trans. by Andrew Dennis, Peter Foote and Richard Perkins, University of Manitoba Icelandic Studies, 3, 5, 2 vols (Winnipeg: University of Manitoba Press, 1980–2000), II, pp. 431–46. For a list of correspondences between *Jónsbók* and other Norwegian and Icelandic legal texts, see *Jb*, pp. lviii–lxx.

⁴³ Lárusson, ‘On *Grágás*’, p. 83. The editors and translators of *Laws of Early Iceland*, p. 17, briefly discuss the texts in the manuscripts *Konungsbók* and *Staðarhólsbók*: “Each text often throws light on the other but conflation is . . . out of the question: apart from being a vast and imperfect labor, it would also imply a belief in a total codified corpus of early Icelandic law whose existence is dubious—and if it ever existed, it could not be reached merely by interlocking the texts we have.” Maurer’s theory that both *Grágás* texts were collections of laws and jurisprudential material would benefit from a renewed analysis of the correspondences between them; this might help us to understand whether the proposed division between judgements, decisions and usage on the one hand, and public authoritative law on the other hand, made sense to the mediaeval man.

⁴⁴ *ÓH*, chapter 10, p. 18, tells that the establishment of the provincial jurisdictions in Norway was carried out by King Hákon Aðalsteinsföstri Haraldsson (ruled 945–960). If that is correct, the extant texts are distant by at least three centuries from the establishment of the laws of *Gulaping*, *Frostaping* and *Heiðsevisþing* (*Eidsvæþing*). See also *Eg*, chapter 63, p. 198.

137 4° (*Codex Rantzovianus*), dated *c.* 1250–1300.⁴⁵ Thirteenth-century manuscripts of the secular laws of the *Frostapingslög* survive only in fragmentary form, and the earliest complete manuscript of the laws dates from the beginning of the eighteenth century, and is thought to be a copy of *Codex Resenianus*, dated *c.* 1260, which was burned in the 1728 fire of Copenhagen.⁴⁶ Manuscripts of the other Norwegian provincial law-books, the *Borgarþingslög* and *Eidsivapingslög*, date from the fourteenth century, but their secular laws have not survived. The *Landslög* of King Magnús Hákonarsson and the *Kristinn réttir* of Archbishop Jón, both from the 1270s, survive only in fourteenth-century manuscripts.⁴⁷ It is therefore impossible to know how many layers of new legal material have pervaded the texts in the centuries which preceded their recording in these manuscripts. In consequence, a comparison of their contents must be made with much caution, and any conclusions taken as speculative conjectures. As Preben Meulengracht Sørensen says about legal manuscripts:

A text transmitted in manuscript is to be regarded as a fluctuating text, which may have been altered from generation to generation. We must therefore reckon with several strata in a text of this kind. Some part may be old, another part new, some part omitted and another added in the passage of the text from one copy to another.⁴⁸

This might seem to be a very negative approach to the study of these legal texts, but if they are to be used as reliable sources of thirteenth-century laws and/or legal usage, they must be perceived and understood in their fragmentary form. In this study, when examining the *Grágás* laws, I have excluded, to the best of my knowledge, all passages which originated in younger manuscripts, using only the thirteenth-century *Konungsbók* and *Staðarhólsbók* manuscripts. For the Norwegian laws, I have principally used the *Gulapingslög* for comparison with the Icelandic material because their extant manuscripts are contemporary, and when making use of other pieces of Norwegian law, I have indicated the date of the manuscript.

⁴⁵ *NgL*, I, pp. 1–118; see *ONP*, pp. 261–62.

⁴⁶ *NgL*, I, pp. 119–258; II, pp. 501–23; IV, pp. 19–31; see *ONP*, pp. 247–48.

⁴⁷ *Landslög*: *NgL*, II, pp. 3–6; *NgL*, IV, pp. 117–59; see *ONP*, pp. 317–22. *Kristinn réttir Jóns erkibiskups*: *NgL*, II, pp. 339–86; see *ONP*, pp. 304–05.

⁴⁸ Preben Meulengracht Sørensen, *The Unmanly Man: Concepts of Sexual Defamation in Early Northern Society*, trans. by Joan Turville-Petre, The Viking Collection, 1 (Odense: Odense University Press, 1983), p. 12.

In the present analysis, the two *Grágás* manuscripts are not taken to be a prescriptive and codified legal text, encompassing all the laws of Iceland of the pre-submission period. Nor are they a definite sign that things happened according to what was written in them, that every text—especially a saga—which does not conform to what is written in the legal texts is considered to be pervaded with fiction.⁴⁹ I consider the legal texts as the product of the period when they were written down, namely, as all scholars agree, during the decades around the Icelandic submission to the Norwegian king. As Maurer points out, it is plausible to conjecture that the writing of these manuscripts was connected to the legislative activities taking place during these years. It is possible that the need to consolidate their own rights motivated the Icelanders to write their legal history, especially since, as will be demonstrated in Chapter 3 of this book, the Icelandic submission was a gradual process, sufficiently gradual to allow the production of elaborate legal texts which included laws no longer effective (a hypothesis peremptorily dismissed by both Munch and Jón Sigurðsson). As products of that specific ideological moment, they also produced ideology. As legal history, these texts contain provisions which were in use during the period before submission, but also contain provisions which anticipated the changes which the submission was about to bring.

In the following sections, I discuss possible connections of the provisions in the *Ólafslög* with other legal provisions scattered through-

⁴⁹ Despite being less worried about matters of historicity, some research is still grounded on a one-to-one relation between sagas and legal texts; as Jón Viðar Sigurðsson, *Chieftains and Power in the Icelandic Commonwealth*, trans. by Jean Lundskær-Nielsen, The Viking Collection, 12 (Odense: Odense University Press, 1999), p. 19, points out, “if the accounts of the sagas cannot be reconciled with *Grágás*, then they are thought to be fictional”. A different approach is attempted by William Pencak, *The Conflict of Law and Justice in the Icelandic Sagas*, Value Inquiry, 21 (Amsterdam: Rodopi, 1995), who claims that saga authors were engaged in a debate about the legal systems available to them. To assess this debate within the sagas, Pencak uses the method of legal semiotics, which considers law “as an amorphous field . . . where different communities of interpreters—judges, lawyers, scholars, legislators, interested citizens—interact to create ‘the law’ in accordance with their needs and expertise. Given this approach, statutes, judicial decisions, legal language, and the interpreters themselves emerge as ‘signs’ of legal and ethical codes which are always changing through their mutual interaction” (p. 4). Even though the inclusiveness of the methodology mentioned by Pencak is commendable, the judicial apparatus needed for this proposed approach (judges, lawyers, etc.) is not available in the case of mediaeval Iceland, and Pencak’s study falls short of making a comprehensive analysis of the relation between saga and law.

out *Grágás*. The *Ólafslög* within the *Grágás* text are then regarded as the record within a thirteenth-century document, *Konungsbók-Grágás*, of the eleventh-century laws given by King Óláfr inn helgi. Whether or not these laws were given by King Óláfr inn helgi to the Icelanders during the eleventh century, the fact that the manuscript ascribes a specific time to them—that of the reign of King Óláfr inn helgi—shows that they are accorded a special significance in this set of thirteenth-century ideas about legal history, and suggests that this period in the eleventh century was regarded as especially significant. King Óláfr inn helgi is often invoked in Norwegian and Icelandic laws, and *Óláfs saga ins helga* (Holm perg 2 4°, c. 1250–1300) shows the king actively involved in legal matters—it is said that he reorganized the laws made by King Hákon Aðalsteinsföstri (ruled 935–961) and established the Christian laws in Norway, and that he was particularly interested to know whether Icelanders observed Christian laws and practices.⁵⁰ It is very possible that the thirteenth-century Icelanders who recorded the laws in the manuscript were anxious to remind their future kings of their ancient rights in Norway which had been established before their submission. These legal texts may be considered as part of the same effort of recording and re-creating the Icelandic past as that in which the sagas participate.⁵¹ They are not used in this book as a control for the literary material, against which the sagas are to be measured in order to be used as sources;⁵² they share the ideological framework of the thirteenth- and fourteenth-century sagas, and also anticipate the ideological foundations which saw the production of manuscripts such as *Möðruvallabók*.

As will be seen, some provisions in the *Ólafslög* seem to contradict provisions in *Grágás*, while others set out the same matter, and as it is not possible to establish which provision prevailed, or indeed whether it is plausible to speak of such prevalence, this chapter will expose and discuss many interpretations of those connections. It is necessary to bear in mind that legal texts, while reflecting social realities, are also a rationalization of such realities. The stillness of the

⁵⁰ For instance, in the *Gulapingslög* (*NgL*, 1, pp. 4–15), the *Frostapingslög* (*NgL*, 1, pp. 121, 134), and also in the Icelandic *Járnstíða* (*NgL*, 1, pp. 263, 266); in the sagas, see *ÓH*, chapters 43–44, pp. 104–05; chapter 46, pp. 110–11; chapter 113, p. 325.

⁵¹ Cf. William Ian Miller, *Bloodtaking and Peacemaking: Feud, Law, and Society in Saga Iceland* (Chicago: University of Chicago Press, 1990), p. 43.

⁵² This kind of control is proposed by Sørensen, *The Unmanly Man*, p. 13.

written text, that is, the way in which the written text provides a complete set of laws, physically assembled and rationally ordered, can create the impression that the laws appeared in a given society in an orderly and coherent fashion; it can also give an illusory impression of a homogeneity of ideas and customs within this society. However, legal provisions (written or not) often arise from a state of contradiction (dialectic)—a prescriptive or punitive statement is brought into existence in response to a certain behaviour. Moreover, many traditions might have been practised for a long time before being made into laws, and some might never have been turned into written laws; many legal provisions, albeit unpopular or never practised, might have found their way into the written text. This concept of law is very much indebted to the ‘theory of things’ of Edmund Husserl, which had a great influence on the members of the socio-cultural school of legal thought, such as Carlos Cossio, Emil Lask and Miguel Reale.⁵³ This school holds that the law is a cultural object, a human construct, the substratum of which is human behaviour, specifically social behaviour in which the rights of different individuals interfere and interact with each other: these rights are assessed by society according to a system of values. As a cultural object, the law is, in its origin, the product of appreciative and teleological considerations, in other words, the product of contradictory desires and values. In order to understand the meaning of the law, it is therefore necessary not to take it as a definitive statement of social behaviour, but to investigate its cultural and historical connections, and its possible motivations: when, and for what reasons, was the law created? I am not arguing that this concept of law was shared by the mediaeval Icelander or Norwegian; rather, it provides a method for analysing the mediaeval laws: by disturbing the apparent stillness of the legal text (the *Ólafslög*), the present analysis attempts to revive the contradictions which were at work at the moment of its creation. In doing so, it is intended to throw some light on the rationale behind the written text.

⁵³ Edmund Husserl, *Cartesianische Meditationen* (Hamburg: Meiner, 1977); Carlos Cossio, *Teoría egológica del derecho y el concepto jurídico de libertad* (Buenos Aires: Abeledo-Perrot, 1964; repr. with an introduction by Daniel E. Herrendorf, Buenos Aires: Depalma, 1987); *La valoración jurídica y la ciencia del derecho* (Buenos Aires: Arayú, [1954]); *Norma, derecho y filosofía* (Buenos Aires: La Ley, 1946); Maria Helena Diniz, *Conceito de norma jurídica como problema de essência* (São Paulo: Revista dos Tribunais, 1977), *A ciência jurídica* (São Paulo: Resenha Universitária, 1982) and *Conflito de normas* (São Paulo: Saraiva, 1987).

3 *The Ólafslög within the Grágás (Konungsbók)*

As part of the analysis and interpretation of the legal provisions contained in the *Ólafslög*, it is important to consider how the provisions are presented in the manuscript. I quote in full Páll Eggert Ólason's description of the manuscript:

There is no doubt whatever that Codex Regius was written in Iceland, by two excellent scribes, one writing the 13 first leaves (i.e. the whole of the section containing the Church Law, and about the first fifth of Þingskapabáttir), the other all the rest. It is a fine MS., the capitals of the chapters being very large, and painted in red, green or blue colours, while the rest is in black-letter with many abbreviations. Each page is divided into two columns; all the lines equal in length, with equal spaces between, and the headings of the various chapters done in red. The skin on which the MS. is written, has originally been white as snow, as may still be seen in several places. But it is now somehow decayed; most of the leaves are brown and some almost quite black and shrivelled.⁵⁴

The text of *Konungsbók-Grágás* may be divided into seventeen chapters (here numbered in roman numerals), all but three of which have headings, and the chapters are divided into sections (here marked §):

- I “kristinna laga báttir” [Chapter on Christian laws], §§ 1–19;
- II “þing skapa báttir” [Chapter on Assembly organization], §§ 20–85;
- III “her hefr vpp vígs sloða” [Here starts the [chapter on] treatment of homicide], §§ 86–112;
- IV “bavgatal” [The compensation system] § 113;
- V [two sections about truce and peace formulae] §§ 114–15;
- VI “lög sögo manz báttir” [Chapter on lawspeakers] § 116;
- VII “logretto báttir” [Chapter on the law council] § 117;
- VIII “Arfa báttir” [Chapter on inheritance] §§ 118–27;
- IX “omaga balcr” [Chapter on dependents] §§ 128–43;
- X “Festa báttir” [Chapter on betrothals] §§ 144–71;
- XI “land brigða báttir” [Chapter on land claims] §§ 172–220;
- XII “vm fiar leigor” [About the hire of property] §§ 221–26;
- XIII “rann socna báttir” [Chapter on searches] §§ 227–33;
- XIV “vm hreppa scil” [Chapter on obligations of the communes] §§ 234–36;
- XV [a chapter with various sections, including *Ólafslög*] §§ 237–54;
- XVI “vm tiundar gialld” [About tithe payment] §§ 255–60;
- XVII [a chapter with various sections dealing with matters related to the Church] §§ 261–68.⁵⁵

⁵⁴ Ólason, *The Codex Regius of Grágás*, p. 7.

⁵⁵ *Grágón*, I, pp. 3–250; II, pp. 3–216.

The *Ólafslög* are contained in Chapter XV, in which many different matters, divided into sections, are dealt with. The chapter contains eighteen sections (marked §), all but one of which have headings:

- § 237 “vm fullrettis orð” [About words which require full personal compensation];
- § 238 “vm scaldscap.” [About poetry];
- § 239 “ef maðr fiðr grip aNars manz” [If a man finds another man’s valuables];
- § 240 “vm almenningar her alandi” [About common areas here in the country];
- § 241 “vm hundz bit” [About dog-bites];
- § 242 “vm gripunga” [About bulls];
- § 243 [a section about bears, tamed and untamed];
- § 244 “vm settir manna.” [About settlements among men];
- § 245 “fra silfr gang” [Concerning the silver standard];
- § 246 “vm fiárlag maNa” [About standard values among men];
- § 247 “fra rétt noregs konvngs a jslandi” [About the rights of the King of Norway in Iceland];
- § 248 “vm rett jslendinga inoregi” [About the rights of Icelanders in Norway];
- § 249 “vm avst manna arf her alandi” [About inheritance of Norwegians here in the country];
- § 250 “vm fiár heimtor” [About claims for payment];
- § 251 “socnir um fiár heimtor” [Suits for claims for payment];
- § 252 “vm vatta quðð” [About calling witnesses];
- § 253 “vm festar mal” [About betrothals];
- § 254 “hverr sakar aþili í legorz sök.” [Who is the principal in a case of fornication].⁵⁶

These sections within Chapter XV are more or less grouped together according to common or related subjects: §§ 237–38 deal with offences caused by words, which might now approximate to libel and defamation, §§ 241–43 deal with the responsibilities of people who keep animals, §§ 250–52 deal with claims for payment, and §§ 247–49 are concerned with various rights of Norwegians in Iceland and Icelanders in Norway, as well as other foreigners in Iceland. Accordingly, Chapter XV seems to deal with matters which are related to previous chapters, but which are too specific or peculiar to be dealt within these chapters. For example, the section about the use and produce of common land (§ 240) is not included in Chapter XI, which deals with the use and produce of land individ-

⁵⁶ *GrðKon*, II, pp. 181–204; see also *Laws of Early Iceland*, I, pp. 15–16.

ually owned. The section about property found by someone (§ 239) is dealt with separately from Chapter XIII, which deals with property appropriated or stolen by someone. The *Ólafslög* deal with matters relating to the rights of Icelanders and Norwegians which are also dealt with in previous chapters. The inheritance rights of Icelanders in Norway and Norwegians in Iceland are dealt with in both the *Ólafslög* and Chapter VII, which relates to inheritance. The payment of harbour-tolls by Icelanders in Norway is dealt with in the *Ólafslög*, but the payment of this toll by Norwegians in Iceland, although dealt with in Chapter IX, within a section about sea-going ships,⁵⁷ is not mentioned in the *Ólafslög*. A design of sorts may be seen underlying the division of the law, even if its entire significance cannot fully be grasped. The rational organisation of Chapter XV, which separates issues that are related to more general matters dealt with in earlier chapters, but are more specific and deserving of special attention, suggests that its sections were deliberately appended afterwards, not merely remembered later and grouped together unsystematically. Similarly, the *Ólafslög* form a whole, not independent from previous chapters but rather supplementary to them.⁵⁸ Despite containing supplementary matter, in the way they are presented in the manuscript, the *Ólafslög* keep their individuality as the laws given by King Óláfr inn helgi. Even their Norwegian perspective—which is implied by the use of Norwegian language, and by the use of the adverb ‘here’ taken to mean ‘here in Norway’—was preserved.⁵⁹ The *Ólafslög* were deliberately designed and were not intended to be dismembered into their component sections and allocated to previous chapters. Perhaps it is possible to find a parallel between the *Ólafslög* and the later *réttarbætr* [amendments of the law] of *Jónsbók*, which also contained matters which were dealt with in the main body of the laws.⁶⁰ However, the most urgent question arising from these observations about the localization of the *Ólafslög* within *Konungsbók-Grágás* and

⁵⁷ See Section 4 below.

⁵⁸ The same idea of supplementarity may be in operation in Chapters XVI and XVII, which may have been placed towards the end of the manuscript because they contained material which supplements that in previous chapters. Chapter XVI and XVII deal with matters related to the Church and can be said to supplement material in Chapter I, while Chapter XVII repeats some matter dealt with in Chapter I.

⁵⁹ See *Laws of Early Iceland*, II, p. 210, fn. 96.

⁶⁰ For details about *réttarbætr*, see Chapter 3, Section 6 below.

their simultaneously individual and supplementary character is whether the provisions in the *Ólafslög* should be read in conjunction with the provisions in *Konungsbók-Grágás*. If we consider the *Ólafslög* separately, as a historical witness of a specific moment in Icelandic-Norwegian history, then we should not analyse, at least in the first instance, the provisions in the *Ólafslög* in conjunction with other provisions in *Grágás*. The references to the bishops Ísleifr and Gizurr in the final paragraph of the *Ólafslög* show the importance of that historical moment, since the laws are said to have been repeatedly ratified, by the witness of the bishops, during the reigns of Haraldr inn harðráði (ruled 1046–1066) and Óláfr inn kyrrí (ruled 1066–1093).

The visual disposition of the text on the page must also be considered, because scribes also used the space of the manuscript to devise meaning. As Siegfried Wenzel says, “the very recent concern with layout, with its sensitivity to the visible disposition of text on the page, among other things suggests a utilitarian and rather prosaic function for even the most artistic illustrations in some medieval codices”.⁶¹ This encourages us to investigate whether a study of the layout of manuscript GKS 1157 fol. would help us to understand its contents. Even in merely material terms, for instance, the uneconomical use of costly parchment could indicate that the manuscript was intended as a special gift to a patron, or for special display in a monastery. By extending Wenzel’s proposal to questions of layout as a whole we might be prompted to investigate the significance of the presentation and layout of this manuscript. As explained above, the legal provisions which are now collectively named *Ólafslög* are separated by two headings—‘Frá rétt Nóregs konungs á Íslandi’ and ‘Um rétt Íslendinga í Nórgei’—which are written in red ink and in a heavier, thicker hand. The initial letter in the text immediately after the two headings is written as a large, though not decorative, capital; the capital ‘S’, following the first heading, is written in green ink and occupies three lines of the text; the capital ‘T’, following the second heading, is written in red ink and runs alongside eleven lines

⁶¹ Siegfried Wenzel, ‘Reflections on (New) Philology’, *Speculum*, 65 (1990), 11–18 (p. 14). For an example of a visual analysis of manuscripts within an Old Norse context, see Thomas A. Dubois, ‘A History Seen: The Uses of Illumination in *Flateyjarbók*’, *Journal of English and German Philology*, 103 (2004), 1–52. See also Ezio Ornato, ed., *La face cachée du livre médiéval: l’histoire du livre vue par Ezio Ornato ses amis et ses collègues*, I libri di Viella, 10 (Rome: Viella, 1997), especially part v, ‘La page écrite: construction, présentation, exploitation’, pp. 447–517.

of text.⁶² Within the legal provisions that follow these headings, the text flows continuously in double columns, and capital letters mark distinct grammatical clauses: they seem not to designate separate legal provisions. Six capital letters extend slightly into the space of the left margin: in each of these cases, the initial letter of a new clause falls at the left hand side of a line.⁶³ In one instance, although a new clause begins with the initial letter of a line, the initial letter is inside the margin, but overall it seems that the scribe could predict the beginning of a new clause and mark it visually. On the basis of these observations, it is possible to suggest that the manuscript text is laid out with legal knowledge and understanding, perhaps the scribe's own knowledge, or that of the scribe of an earlier manuscript from which this is derived. It could also have been imposed by another individual who dictated or supervised the production of the text. Each of these three possibilities indicate at least that the production of the manuscript was supervised, at some stage, by a person with legal knowledge.

Since the layout of the text indicates the division of its grammatical clauses, but not the legal provisions, the modern reader must identify each provision through a grammatical and logical analysis of the clauses and also by analogy with other provisions. In this study, I have divided each section into distinct legal provisions according to the main topic of the clauses.⁶⁴ The first heading, 'Frá rétt Nóregs konungs á Íslandi', is tentatively divided into two legal provisions (instead of, as is traditional, three). The second heading, 'Um rétt Íslendinga í Nórégi', is divided into twelve legal provisions.⁶⁵ Although I present a translation of the text, it is not the objective of this study to establish a definitive interpretation of it; rather, I propose a possible reading of the text.

An analysis of a given law involves as much the examination of laws which have preceded and succeeded it, as the social conditions

⁶² The facsimile edition of the manuscript does not show clearly the colours of these two letters; this information is given in *DI*, I, pp. 54, 65.

⁶³ This practice is observed throughout the manuscript, and also in *Staðarhólsbók*. This can also be observed in many other manuscripts, and in most instances seems to show some awareness of the structure of the text. In a legal text, that structure will be legally significant, and probably shows some legal understanding in the layout of the text.

⁶⁴ See Appendix 1.

⁶⁵ The same division is adopted in *DI*, I, no. 16-A, pp. 65-67.

which saw its creation and implementation, how the laws are applied to concrete cases and how they become obsolete. However, it is not possible to establish a confident chronology of mediaeval Icelandic legal texts. Moreover, our methods of legal analysis rely on a complex legal system (lawyers, judges, briefs, jurisprudence) which did not exist in mediaeval Iceland. What is left to the historian are the texts themselves; therefore it is the texts on which I shall now concentrate.

4 *The Norwegian king's power over Icelanders*

In this section, I attempt to disclose some of the motivations behind the creation of the *Ólafslög* and especially what these motivations can reveal about the relations between the king and the Icelanders. The concluding words of the *Ólafslög* say that King Óláfr gave these rights and laws to the Icelanders: Icelanders are presented as the passive receivers of the king's law. The extent to which the Icelanders really were passive in this process will be discussed in what follows. Narrative passages in *Óláfs saga ins helga* (Holm perg 2 4°, c. 1250–1300) which seem to make references to the *Ólafslög* will be used and will serve as comparisons to the evidence provided in the legal text. The evidence in the saga will not be considered factual proof of the events, to which the *Ólafslög* should conform in order to be regarded as truthful. This analysis will provide a picture of what thirteenth- and fourteenth-century Icelanders thought of their relation with Norway and the king.

The *Ólafslög* show that the Norwegian king had special rights and powers in Iceland. The first provision dictates that legal summons was dispensed with in the king's lawsuits, which were otherwise to be processed according to Icelandic law:

Sa er réttir konungs or noregi a islande at sialf stefint skal socom hans vera. oc at logom þar landz manna sökia.⁶⁶

⁶⁶ In my Ph.D. thesis, 'Icelanders and the Early Kings of Norway: The Evidence of Literary and Legal Texts' (unpublished doctoral dissertation, University of Cambridge, 2003), I translated this passage "and they must prosecute according to the laws of men of the country". I argued that although the infinitive 'sökia' could be taken as a passive, 'sökjask' would have been used to indicate unambiguously that the passage was to be read in the passive voice—'must be prosecuted'. Subsequently, however, Peter Foote has shown me that my suggested reading could not be substantiated by other instances of 'sökjask' in *Konungsbók-Grágás*.

That is the right of the king from Norway in Iceland that his cases shall be self-summoned and they shall be prosecuted according to the laws of men of the country there.

This seems to have been an extraordinary privilege, as there is no other instance of it in either Icelandic or Norwegian laws.⁶⁷ Jón Jóhannesson asks whether the privilege was granted because of the difficulties and risks involved, especially for foreigners, in travelling to deliver summonses.⁶⁸ The absence of such a provision in the Norwegian laws suggests that this might have been the case, rather than it being a customary royal prerogative. The object of the legal summons was to apprise an accused person that legal action was being taken against him, and to cite the accused person to appear at the respective court and answer for his offence; summoning, though, was not the only way of initiating a suit, but the law specified when the case was a summoning suit (*stefno sök*).⁶⁹ The *Ólafslög* established that only this procedure was to be waived, so that the king, or possibly his representative, could appear in an Icelandic court and immediately begin a legal case against somebody.

The subsequent provision in *Ólafslög* has been understood as a stipulation that the king's men enjoyed law and rights such as Icelanders had:

Lög ok rett scolo hans menn þar hafa. slícan sem landz menn.

His men shall have law and rights⁷⁰ there, such as the countrymen [have].

About this passage, Jón Jóhannesson writes:

Athyglisvert er, að menn konungs skyldu hafa sömu lög og sama rétt sem Íslendingar, því að nokkuð vantaði á, að Íslendingar hefðu sömu réttindi sem Norðmenn í Noregi, þótt þeir hefðu þau reyndar meiri í öðrum greinum.⁷¹

⁶⁷ There are instances in the Norwegian laws where summons were not necessary, but they occur in different circumstances; see, for example, *Frostapingslög* (*NgL*, I, pp. 128, 161, 243) and the *Landslög* of King Magnús *lagabætir* Hákonarson (*NgL*, II, pp. 17, 27).

⁶⁸ Jóhannesson, *Íslendinga saga*, I, p. 135.

⁶⁹ For examples of legal summons in *Grágás*, see *GrGKon*, I, §§ 31–32, pp. 54–59, 126 (summoning at the *Alþingi*); § 56, pp. 96–98 (summons for spring assemblies); § 79, p. 131–32 (summoning somebody who has just come from abroad); § 80, pp. 132–33 (summoning somebody who lodges in a household for a year); § 97, pp. 173–74 (foreigners killed in Iceland). See *Laws of Early Iceland*, II, pp. 396–97; *GrGSkál*, pp. 676–78.

⁷⁰ 'Lög ok rétt', literally, 'law and right'.

⁷¹ Jóhannesson, *Íslendinga saga*, I, p. 135.

It is remarkable that the king's men should have been subject to the same law and had the same rights as Icelanders, because it is unlikely that Icelanders had the same rights as Norwegians in Norway, though they actually had more rights in other clauses.

Konrad Maurer perceives the provision in the same way.⁷² On the other hand, Vilhjálmur Finsen understands 'rétrr' as corresponding exclusively to the right to be compensated for offences to oneself or to one's family, and this understanding is shared by Andrew Dennis, Peter Foote and Richard Perkins, who translate the passage as: "His men shall enjoy the same laws and right to personal compensation as the inhabitants".⁷³ Accordingly, Norwegians in Iceland would have been granted the same laws and rights of compensation as were granted to the Icelanders. It is possible that this interpretation was reached by analogy with a subsequent provision, which states that Icelanders have 'hóldsrétrr' in Norway, 'hóldsrétrr' being the legal status (in this case, that of *hauldr* or *hóldr*)⁷⁴ concerning the right of compensation for personal offences and other injuries.⁷⁵

On the other hand, as the capital letters in the text only mark distinct clauses and not distinct provisions, perhaps one should not interpret the first two clauses of the heading 'Frá rétt Noregs konungs á Íslandi' as referring to two different topics. Rather, they could be considered as working together towards expressing one single idea. It is possible to read them as one provision:

Sa er rétrr konungs or noregi a islande at sialf stefnt *scal* socom *hans vera. oc* at logom þar landz *manna sökia. Lög oc rett scola hans menn* þar hafa. *slican sem landz menn.*

⁷² Maurer, *Vorlesungen*, iv, p. 475, writes: "Die Untertanen des norwegischen Königs sollten auf der Insel in allen und jeden Beziehungen die gleichen Rechte genießen wie die Isländer selbst" [The subjects of the Norwegian king should enjoy the same rights on the island, in each and every respect, as the Icelanders themselves].

⁷³ *Laws of Early Iceland*, II, p. 210. Finsen's translation of the provision is: "Lov og Rettighed til Bøder for personlige Fornærmelser skulle hans Mænd have der, lige med Landets Beboere" (*GrögKon*, III, p. 194) [His men must enjoy the same law and right of compensation for personal offences there as the inhabitants of the country].

⁷⁴ According to Ebbe Hertzberg (*NgL*, v, p. 269), the forms *höldr*, *hældr* and *holdr* never appear in the Norwegian laws. Sveinbjörn Egilsson and Finnur Jónsson, *Lexicon Poeticum Antiquæ Linguae Septentrionalis: Ordbog over det norsk-islandske skjaldesprog*, 2nd edn (Copenhagen: Lyngé & Søn, 1966), say that "uagtet den hyppige skrivemåde *hauldr* må *hóldr* være den rette og ægte form" (p. 311) [despite the frequent spelling *hauldr*, the correct and authentic form was *hóldr*]. See also Cleasby-Vigfusson, *höldr*; Fritzner, *höldr*; *KL*, iv, pp. 251–54.

⁷⁵ See Section 6 below.

That is the right of the king from Norway in Iceland that his cases shall be self-summoned and they shall be prosecuted according to the laws of men of the country there. His men shall have law and rights there, such as the countrymen [have].

According to this reading, in relation to legal procedures of their lawsuits in Iceland, Norwegians had the same rights as Icelanders and the exceptionality of the summoning did not apply to the lawsuits of the king's subjects, but only to the king. In favour of this interpretation is the fact that the *Ólafslög* (provision 2) and other provisions in *Grágás* concerning the rights of Norwegians in Iceland (especially inheritance rights) indicate that, though Norwegians had special rights in Iceland, they did not enjoy the same rights as the Icelanders.⁷⁶

The provision raises the question of which lawsuits the king of Norway was entitled to pursue in Iceland, and whether offences against the king's subjects or representatives could be the object of his lawsuits. *Konungsbók-Grágás* prescribed that it was an offence, punishable with full outlawry,⁷⁷ to compose *háðung* [mocking poetry] about the kings of the Danes, the Swedes or the Norwegians:

Ef maðr yrkir háðung vm konung dana eða suia eða norð manna oc varðar scog Gang oc eigo hus carlar þeirra sacarnar. ef þeir vilia eigi. oc a sa söc er vill.⁷⁸

If a man composes mocking poetry about the kings of the Danes, Swedes or Norwegians, then he is outlawed and the king's retainers own the cases; if they do not wish [to prosecute], then a case rests with anybody who wishes.

The lawsuit related to *háðung* was a 'summoning suit', that is, one which required the summoning of those accused of composing it. If the first provision of *Ólafslög* is to be read in conjunction with it, then a retainer of the king in Iceland—who had the right to prosecute, on the king's behalf, a man who composed *háðung* against the king—could prosecute the accused in Iceland without the need to summon him. *Staðarhólsbók-Grágás* has a similar provision, which includes the composition of *níð* [slander] alongside the composition

⁷⁶ It could be argued that such a special privilege would not have gone unnoticed in other sources; however, it is advisable to avoid arguments *ex silentio* because they cannot be proved or tested.

⁷⁷ For the concept of full outlawry and the respective references to the Icelandic laws, see *Laws of Early Iceland*, I, p. 246 and *GrgSkál*, pp. 672–73.

⁷⁸ *GrgKon*, II, § 238, p. 184.

of *háðung*, but which also includes an additional condition in the last clause, as follows:

En ef þeir ero eigi her staddir eða vilia þeir eigi sækia. þa á sök sa er vill.⁷⁹

And if they are not present here [in Iceland] or do not wish [to prosecute], then a case rests with anybody who wishes.

The provision in *Staðarhólsbók* suggests that if the king's retainer was not in Iceland, he did not have the right to prosecute the king's lawsuit. Presumably, the law intended that the prosecutor had first-hand knowledge of the offence in order to prosecute. The provision in *Grágás-Staðarhólsbók* does not extend the power of the king over Iceland as much as the provision in *Grágás-Konungsbók*, which implicitly allows a retainer who was outside Iceland to prosecute in Iceland. This does not fit well with Gunnar Karlsson's theory that *Grágás-Staðarhólsbók* was written with a cognizance of *Járnsíða*, since after the country's submission to the king, one would expect his powers to be expanded, not diminished.⁸⁰ In spite of the fact that no other provision concerning offences against the Norwegian king is found within the *Grágás* texts, the provision in the *Ólafslög* seems to indicate that the king could pursue other lawsuits in Iceland.⁸¹ Since the provision is written in very general terms, it might be tentatively interpreted in the same way. It is possible that the king had the right to pursue all types of lawsuit prescribed by the Icelandic laws. Therefore, offences committed by Icelanders in Norway, against the king himself or his subjects, could be pursued in this way, but it is also possible that subjects of the king could be prosecuted there too. This would especially affect those committing crimes against the Norwegian king or his subjects, either in Norway or in a Norwegian *skattland* [tributary land], and who wished to escape to Iceland to avoid prosecution.⁸² The existence of the provision about the composition of

⁷⁹ *GrGSt*, § 377, p. 393.

⁸⁰ Neither *Járnsíða* nor *Jónsbók* has a similar provision, but only provisions about the composition of *níð* and *háðung* by one man against another; see, respectively, *NgL*, i, § 38, pp. 272–73; iv, *Mannhelgi*, § 26, pp. 222–23.

⁸¹ Jóhannesson, *Íslendinga saga*, i, p. 135, broadly asserts that the king's lawsuits should be prosecuted according to the Icelandic laws.

⁸² It is worth analysing the provision in relation to the idea that Iceland was beyond the reach of the king's law and power. In Chapter 4, I examine episodes involving offences committed in Norway against the Norwegian crown and the subsequent flight of the offender to Iceland.

háðung illuminates the relation between Icelanders and royal power. It can be argued that the provision illustrates that the power of the king to retaliate for a perceived insult was feared and respected; but such an interpretation would still require an Icelandic perception of an insult being done to the king, and a desire to punish it, since an insult made in Iceland would have to be reported to the king in Norway. Most probably, the provision shows that a great degree of respect was devoted to royal power. The special power given to the King of Norway in Icelandic law courts (a power which extended his control over Icelanders outside his territorial domain) shows that at some level of the lives of the Icelanders, their relation to the king was similar to that between king and subjects.

The *Ólafslög* also reveal that Icelanders were not completely free to come and go between Iceland and Norway, and that the king had control over their movements. Provision 9 stipulates that Icelanders have permission to return to Iceland, except when Norway is under attack from an enemy host, but that Icelanders are free to go from Iceland to any other country:

Útför eigo islendirar til islandz nema viss se herra i noregi. En islendirar eigo at fara af sino lande til hvers landz er þeir vilja.

Icelanders have the right to go to Iceland except when an enemy host is known for certain in Norway. And Icelanders have the right to go from their country to each land which they want.

The second part of the provision suggests that the Norwegian kings either had control over Icelanders beyond the boundaries of Iceland and Norway, or had tried to exert such control. Jón Jóhannesson suggests that the provision was a guarantee that the king would not impose travel bans of the same sort described in the sagas:

Íslendingar áttu útför til Íslands, nema her væri vís i Noregi. Með því ákvæði hafa þeir viljað tryggja sig gegn farbanni konungs, og má vera, að þeir hafi einkum haft í huga farbann Ólafs konungs Tryggvasonar á kristniboðsárunum. Auk þess er tekið fram, að Íslendingar eigi að fara af sínu landi til hvers lands, er þeir vilja. Eftir því að dæma hefur þeirrar viðleitni orðið vart hjá einhverjum Noregskonungi að binda öll viðskipti Íslendinga við Noreg, en þeir hafa ekki viljað una því og fengið því afstýrt.⁸³

⁸³ Jóhannesson, *Íslendinga saga*, I, p. 137.

Icelanders had permission to go to Iceland, unless there was war in Norway. With this clause they wished to safeguard themselves against travel bans by the king, and it may be that they specially had in mind the travel bans of King Óláfr Tryggvasonar during the conversion to Christianity. Besides, it was stated that Icelanders could go from their country to any other country as they wished. To judge by that, the intention of some Norwegian king became apparent, to restrict all trade of Icelanders with Norway, but they did not wish to put up with that, and got it changed.

However, there is no indication that any Norwegian king during the eleventh century attempted to impose a trade monopoly in Iceland. Indeed, it is doubtful that historical conditions would have permitted such a project.⁸⁴ The travel bans imposed by King Óláfr Tryggvason mentioned in some sagas are shown there to be part of the king's strategy to convert Icelanders to Christianity: Icelanders were then forbidden to leave Norway.⁸⁵ Travel bans were also mentioned in relation to King Óláfr inn helgi, especially in *Óláfs saga ins helga*, which describes King Óláfr Haraldsson's efforts to persuade the Icelanders to accept him as their king through a succession of bullying strategies, one of which forbade Icelanders to return to Iceland.⁸⁶ The saga therefore provides a convincing background for the negotiations which could have taken place towards the creation of the provision in the *Ólafslög*, which could presumably have been the result of Icelanders' and the king's concessions to each other.

According to the *Ólafslög* (provision 7), Icelanders were also required to go with the king on military expeditions when an enemy host was known to be in Norway and an army levy (*almenningr*) was called out, though they were not obliged to go on military expeditions outside Norway:

Þa ero islendingar scýlldir utfarar með konungi er her er viss í noregi oc almenningr er úte. Þa scal eptir sitia hin þriðe hver enn .ij. fara. Noreg ero islendingar scýlldir at verja⁸⁷ með konungi en eigi til lengri herferða.

⁸⁴ For a discussion of Norwegian trade policy in Iceland, see Chapter 3, Section 6.6.1 below.

⁸⁵ See, for instance, *ÓT*, chapter 89, pp. 148–49 (*Fríðsbók*, c. 1300–1325), and *Laxd*, chapter 40, p. 116 and chapter 41, p. 126 (*Modruvallbók*, c. 1330–1350).

⁸⁶ See *ÓH*, chapters 113–114, pp. 325–30; chapter 118, p. 336; chapter 125, pp. 368–69; chapter 131, p. 397.

⁸⁷ This abbreviation is better read as 'verja' [to defend] since 'Noreg' [Norway] is accusative.

Icelanders are obliged to go with the king in an expeditionary force when an enemy host is known for certain in Norway and an army levy called out. Then every third [man] shall remain behind but two go. Icelanders are obliged to defend Norway with the king, but not [to go] on expeditions beyond [Norway].

Provision 5 in *Ólafslög* states that when Icelanders arrived in Norway, they needed to pay *landaurar* [land-dues] of six trade cloaks (*feldir*, sing. *feldr*),⁸⁸ and six ells of wadmal or half a mark of silver:

Islendingar *scolo eigi toll* giallda i noregi nema land æra eða varð *monnum* i cap'.⁸⁹ Karl men *fríalsir þeir* er fullan rétt eigo *scolo* gialda landara .vi. felde. oc .vi. alnir vaðmals. eða hálfa morc silfrs. Þa er comit til þess gialdz er menn coma i ackeris sát eða i land festar.

Icelanders are not to pay toll in Norway except land-dues or to wardmen in market-towns. Free men, those who have full rights,⁹⁰ are to pay land-dues of six trade-cloaks and six ells of wadmal or half a mark of silver. It is come to that tax when people reach their anchorage or moorings.

However, Icelanders were exempt from paying *landaurar* in certain circumstances: if they had already paid them in Shetland, the Faroes, the Orkneys or the Hebrides (provision 10); if they had lost all their property so that they could not pay them (provision 13); if they had been driven off course to Norway when invested in a voyage to Greenland, or when they had been on a journey to search for lands while they only wanted to bring their ship between harbours (provision 14). Moreover, only if they could pay *landaurar* were Icelanders entitled to come and settle in Norway (provision 11).

Two mentions of the payment of *landaurar* which appear in *Óláfs saga ins helga* seem to refer to the *Ólafslög*. The *skáld* Sigvatr Þórðarson meets King Óláfr and composes three stanzas. Before each stanza, the narrator provides a piece of information in order to elucidate it. In the case of the third stanza, we are told that Sigvatr comes from Iceland:

⁸⁸ See Ebbe Hertzberg, 'Tivlsomme ord i Norges gamle love', *Arkiv för nordisk filologi*, 1 (1889), 223–44 (pp. 231–32).

⁸⁹ The word 'cap' is most probably an abbreviation for *kaupagnr*; see footnote 94 below.

⁹⁰ This probably refers to 'full right of compensation', but see footnote 3 above.

Sigvatr com af Islandi. oc til Olafs konungs. hann kvað.
 Gorbœnn mon ec gunnar
 gamteitondvm heita
 aþr þagum ver ægis
 elld ef nv bið ec fellda
 landaura veittv luro
 laðþverandi af kneði
 enn of fanga aungi
 ec hefi sialfr krafít halfa⁹¹

Sigvatr came from Iceland and to King Óláfr. He said: I shall be called importunate by warriors ('cheerers of the battle-vulture', i.e. those who provide carrion for the raven), if I now ask for trade-cloaks; before we received gold (i.e. fire of the sea). Grant half of the *landaurar* from the ship, generous lord ('diminisher of the land of the serpent (the meadow-fish)', i.e. one who dispenses gold); but I have for my part demanded too much.

Sigvatr has already been introduced before this stanza:

Þorðr Sigvallda scald var með Olafi konungi þa er hann var i hernaði.
 Sigvatr het son Þorðar hann var at fostri með Þorcatli at Apavatni.⁹²

The *skáld* Þorðr Sigvalldi was with King Óláfr when he was at war. Þorðr's son was named Sigvatr; he was fostered by Þorkell at Apavatn.

It is very likely that the saga-audience would immediately recognize Sigvatr as being from Iceland, but the mention that he was the son of Þorðr Sigvaldaskáld and was fostered at Apavatn (South of Iceland)

⁹¹ *ÓH*, I, chapter 38, p. 83. The translation is based on the following reordering of the verse: "Ek mun heita gorbœnn gunnar gamteitondum, ef nú biðk felda; áðr þagum vér ægis eld. Veittu halfa landaura af kneði, engilúru láðþverrandi; enn hef ek sjálfir krafít offanga". "Heita" is commonly emended to 'heitinn' to produce the meaning 'I will be called'. 'Ek mun heita' would conventionally express the secondary sense of the verb 'heita'; this would produce the reading 'I will promise', which makes little sense in the present context. Fourteenth-century instances of the verse have 'heitinn' instead of 'heita': AM 325 V 4° (c. 1300–1320), Holm Perg 4 4° (c. 1320–1340), and AM 325 VI 4° (c. 1350–1400). AM 68 fol (c. 1300–1350) has 'veita' and AM 61 fol (c. 1350–1375), 'þickja'. Yet it may be possible that the thirteenth-century 'Ek mun heita' would have been grammatically and semantically acceptable to a thirteenth-century scribe and audience. In *Heimskringla*, ed. by Bjarni Aðalbjarnarson, Íslensk fornrit, 26–28, 3 vols (Reykjavík: Hið íslenska fornritafélag, 1941–51; repr. 1979), II, chapter 43, p. 56, the stanza is shown to be Sigvatr's direct pledge to the king not to demand the *landaurar* from the Icelanders. Aðalbjarnarson proposes a link between the stanza and the provision concerning *landaurar* in the *Ólafslög*. See also Judith Jesch, *Ships and Men in the Late Viking Age: The Vocabulary of Runic Inscriptions and Skaldic Verse* (Woodbridge: Boydell, 2001), p. 65.

⁹² *ÓH*, I, chapter 38, p. 81.

would dispel any doubt. Therefore, it seems plausible to conjecture that the repetition of the information that Sigvatr comes from Iceland is a cue to the mention of the payment of *landaurar* in the stanza—a payment which is not in gold (‘ægis eldr’), but in trade-cloaks (‘feldir’). In Chapter 54 of the saga, the Icelandic Hjalti Skeggjasson goes to Sweden to meet the Swedish king, Óláfr. He tells the king he has collected *landaurar*, which, according to a law between Iceland and Norway, were due from people arriving in Norway from Iceland:

En þat ero laug milli Islanz oc Noregs at islenzcir menn er þeir coma í Noreg gialda þar landaura.⁹³

And it is the law between Iceland and Norway that Icelandic people, when they arrive in Norway, pay *landaurar* there.

These passages seem to support the *Ólafslög* in their placing of the Icelanders’ payment of *landaurar* in Norway during the reign of Óláfr inn helgi.

Provision 5 also stipulates that Icelanders need to pay a tax for the services of the wardens in market towns,⁹⁴ but says that they

⁹³ *ÓH*, 1, chapter 54, p. 137. The saga also tells that King Sveinn Alfifuson or Knúttsson (ruled 1028–1035) instituted the payment of *landaurar* for natives and foreigners going to Iceland: *ÓH*, chapter 239, p. 595; this is also found in *Agrip* (AM 325 II 4^o, c. 1225): *Ágr*, chapter 29, p. 43. Reference to the payment of *landaurar* is also found in the *Íslendingabók* (*Íslb*, chapter 1, pp. 5–6). There it is said that King Haraldr inn hárfagri (in an attempt to decrease emigration) had instituted a tax for every person leaving Norway to settle in Iceland; the narrator compares this tax to what at his time was called *landaurar* (see Chapter 4, Section 7). One should bear in mind that the extant manuscripts of *Íslendingabók* are from the seventeenth century (*QNP*, p. 282), and information about Haraldr inn hárfagri’s taxation of the settlers of Iceland cannot be confirmed elsewhere. On the other hand, the seventeenth-century copies of *Íslendingabók* are generally accepted as good transcripts of a twelfth-century exemplar; see *Íslendingabók Ara fróða*, with an introduction by Jón Jóhannesson, *Íslenzk handrit*, 1 (Reykjavík: University of Iceland, 1956), pp. 17–19 and Hreinn Benediktsson, *Early Icelandic Script: As Illustrated in Vernacular Texts from the Twelfth and Thirteenth Centuries*, *Íslenzk handrit*, 2 (Reykjavík: Manuscript Institute of Iceland, 1965), pp. 23–24.

⁹⁴ The law mentions the payment to wardens (*varðmaðr*) *í kaup*’ (most probably an abbreviation for dative singular *kaupangi*; nominative, *kaupangi*), that is, in a market-town: it is possible that *varðmaðr í kaup*’ refers to a night watch, as is found in a later letter of privileges (to German merchants in Norway) of King Magnús Hákonarson from 1278, written in Latin, which refers to a night watch in which merchants, hosts and travellers were obliged to take part: “Jn primis igitur ex specialis gracia indulsumus de consilio discretorum regni nostri, quod predicti mercatores hospites et aduene qui non conducunt hospicia ad annum vel dimidium, ad excubias nocturnas non cogantur” (*DN*, v, no. 10, pp. 10–11) [Firstly, as a sign of our special grace and with the agreement of the councillors of our kingdom, we have granted that the mentioned merchants, visitors and travellers who do not rent

enjoyed other exclusive privileges in respect of taxation and use of certain provisions. Icelanders did not have to pay toll in Norway, by which is probably meant the harbour-toll. An equivalent provision in *Konungsbók-Grágás* stipulates that all foreigners in Iceland, except the Norwegians, are obliged to pay harbour-toll.⁹⁵ Provision 6 of *Ólafslög* states that Icelanders were granted the privilege of using water and wood from the king's forest,⁹⁶ and if they inherited property in another king's realm, it was guaranteed that nobody else would take it from them (provision 13).

These provisions reveal that the king of Norway had more control over Icelanders than has previously been thought. Interpretations of the *Ólafslög* have relied on an understanding of the relations between the Norwegian kings and Icelanders which sees Icelanders resisting a constant threat from the Norwegian king. The underlying assumption of this view, which is not always openly articulated, is that any proximity to the Norwegian crown was detrimental to Icelanders and that mediaeval Icelanders were resisting it in every way. As seen above, when analysing the provision relating to the king's granting of permission to leave Norway (provision 9), Jóhannesson implies that lying behind every act of the king is a scheme for obtaining advantage from the Icelanders, and thus for harming their interests. Furthermore, when Jóhannesson ponders on the reasons why the king might have conferred *hóldsréttir* on Icelanders (provision 3, which will be discussed below), he concludes that the most likely reason is that the king was trying to lure Icelanders under his power:

Ekki er ljóst, hví konungur veitti Íslendingum þessi fríðindi. Hugsanlegt er, að honum hafi þótt viðskipti við Ísland svo mikilvæg eða hann hafi gert það sökum skyldleika Íslendinga við Norðmenn. Á svipaðan hátt veittu Íslendingar Grænlandi ymis fríðindi. En líklegast er, að konungur hafi viljað hæna Íslendinga að sér með ákvæðinu um hóldsréttin og það sé sprottið af tilraun hans að ná landinu undir sitt vald.⁹⁷

lodgings for a whole or half year, shall not be obliged to serve the night watch]. See also *Laws of Early Iceland*, II, p. 211, fn. 100.

⁹⁵ "Allir menn scolo gjalda hafnar toll nema noregs menn öln vaðmals eða ullar reyfi þat er ví. gori hespo eða lambs gæro" (*GrgKon*, II, § 166, p. 71) [All men must pay harbour-toll except men from Norway: an ell of wadmal or raw wool equivalent to one-sixth of a skein or a lamb's fleece].

⁹⁶ This privilege seems not to have gone unnoticed in the sagas: see Chapter 4, Section 6.2 below.

⁹⁷ Jóhannesson, *Íslendinga saga*, I, p. 136.

It is not clear why the king would grant the Icelanders these privileges. Possibly he considered the dealings with Iceland very important or he had done so in consideration of the family ties between Icelanders and Norwegians. In a similar way, Icelanders granted the Greenlanders a variety of privileges. But it is most probable that the king wished to bring the Icelanders round to him with the provision about the *holdsréttir* and that that was part of his attempts to get the country under his power.

In the same way, Martina Stein-Wilkeshuis writes about the *Ólafslög*:

The pact in itself did not contain articles that threatened Iceland's independence, but it created a danger in that it enabled the king to meddle with Icelandic affairs.⁹⁸

This particular interpretation of Icelandic relations with the Norwegian king will be further discussed in Chapter 3, in connection with the submission of the Icelanders to the rule of the Norwegian king. As is the case with the *Ólafslög*, the saga narratives, annals and legal documents relating to the Icelandic submission have been interpreted in the light of these preconceptions about the relations between Icelanders and the Norwegian king. Indeed, although the kings are sometimes shown using force and other bullying strategies—as when King Óláfr inn helgi tries to persuade the Icelanders that they should accept him as their king—some Icelanders are shown to be ready to accept the king's proposition, and many submitted to him.⁹⁹ The saga narratives (which will be analysed in Chapter 4), and in particular *Óláfs saga inn helga* used in this chapter, portray the relation between the Norwegian kings and the Icelanders as a continuous process of negotiation.

5 *Icelanders and Norwegians*

Provisions regulating inheritance rights in the *Ólafslög* reveal important aspects of the relations between Icelanders and Norwegians. The *Ólafslög* (provision 2) guarantee that a Norwegian blood-relative or partner could inherit property in Iceland:

⁹⁸ Stein-Wilkeshuis, 'Laws in Medieval Iceland', p. 44.

⁹⁹ *ÓH*, chapters 113–114, pp. 325–30.

Arf *scal* taca a islande frænde eða felagi. EN ef þeir ero eigi til. þa *scal* biða þaðan erfingia.

A blood-relative or partner shall take inheritance in Iceland; but if they are not present, them [one] shall wait for an heir [to arrive] from there [i.e. Norway].

This is in agreement with both texts of *Grágás*:

Grágás-Konungsbók

Ef siðar coma ut erfingiar. þeir er se af danscri tungo. þa eigo þeir at taca arf oc bœtr ef þær ero vaxta lavsar.¹⁰⁰

If heirs whose language is Norse come later on [to Iceland], then they have the right to take inheritance and compensation, if there is any, without interest.

Grágás-Staðarhólsbók

Ef siðar coma ut erfingiar. þeir er ero af danscri tungo. þa eigo þeir at taca arf oc bœtr ef þær ero, vaxta lavsar. . . . Nörrönir menn oc danskir oc sönskir. eigo her arf at taca eptir frændr sina þriðia brøðra oc nanare. EN at frændsemi af öllum avðrom tungum en danscri tungo. *scal* engi maðr her arf taca mema faðir eða sonr eða brøðir. Oc þviat eino þeir ef þeir hafðo keNz her aðr sva at menn visso deili a þui.¹⁰¹

If heirs whose language is Norse come later on [to Iceland], then they have the right to take inheritance and compensation, if there is any, without interest. . . . Norwegians, Danes and Swedes have the right to take inheritance here from their blood-relatives—a fourth cousin or closer person. But no kinsman of any language other than Norse may take inheritance here, except a father or a son or a brother, and only if they have made themselves known [as such] here before, so that men know the mark of these men.

The silence about how long the property could lie in Iceland until somebody claimed it may imply that a Norwegian blood-relative or partner could inherit property in Iceland, no matter how long it took for him, as legitimate heir, to claim it. Icelanders, on the other hand,

¹⁰⁰ *GrgKon*, II, § 249, p. 198. Cf. *GrgKon*, I, *Arfa þáttur*, § 120, pp. 228–29.

¹⁰¹ *GrgStað*, *Erfða þáttur*, § 61, pp. 74–75. Cf. *GrgStað*, *Erfða þáttur*, § 72, pp. 95–96: “Sa ein maðr *scal* arf taca ut her af danskri tungo eptir sin frænda er hann er rettr arftoko maðr ens andaða enda ligr feet *ser* her alldrigi. . . . Ef her andaz utlendr maðr af danskri tungo þa *scal* fe hans biða her erfingia leigo lavst” [That man alone whose language is Norse shall take inheritance here [in Iceland] from his blood-relative if he is the rightful heir of the deceased, but the property will lie here for ever. If a foreigner whose language is Norse dies here, then his property shall wait here for an heir [and] without interest].

seemed not to enjoy this privilege. The *Ólafslög* (provision 4) stipulated that Icelanders had the right to claim their inheritance in Norway only within the period of three years:

Arf eigo at taca i noregi af islandi næsta brøðra. sliet konur sem karlar eða nánare menn. Eiðr .iij^a. manna scal sana frændseme þa er menn vilia þess beiða. En ef eigi er her arftöko maðr. þa scal halda her fe þat sá maðr¹⁰² vetr .iij^a. er hann var i husum með nema fyrr comi næsta brøðre eða nanare maðr.

Second cousins from Iceland, whether women or men, or closer persons are to take inheritance in Norway. The oath of three men must attest to the kinship, when people wish to ask for it; but if an heir is not here [in Norway], then the property must be held here for three winters by the *bóndi* in whose house he [the deceased] was, unless a second cousin or closer person comes before that.

In *Konungsbók-Grágás*, a provision of the chapter on inheritance also stipulates that if an Icelander dies in Norway, a blood-relative or nearest relative can inherit his property, which will be kept for him in Norway for three years:

Ef vár lande andaz avstr¹⁰³ þa scal feet taca næsta brøðre eða nanare en feet ligr ser iola nott ena þriþio.¹⁰⁴

If a countryman of ours dies in Norway, then a second cousin or closer [person] must take the property, but the property will lie [there] until the third Yule.

However, the three years' time-limit is not mentioned in *Staðarhólsbók-Grágás*. In a section entitled “Vm danar fe oc um erfþir erlendis.” [About inherited property and the inheritance of foreigners] within the chapter on inheritance, it is stipulated:

Austr scal taca arf vára landa næstabrøðri eða nánare maðr. enda er nu heimting til fiarens huegi lengi sem þat ligr.¹⁰⁵

In Norway, a second cousin or closer person must take inheritance from a man of our country, and now the claim to the property [is due] as long as it lies [there].

¹⁰² The word ‘maðr’ is indicated in the manuscript by a brevisgraph over the word ‘boande’. Finsen considered the brevisgraph to be a correction and thus transcribes only ‘maðr’; I have followed his decision here.

¹⁰³ The word ‘austr’ has a wide range of senses in *Grágás* and elsewhere, and needs to be translated contextually: see *GrGSkál*, p. 587.

¹⁰⁴ *GrGKon*, I, § 125, p. 239.

¹⁰⁵ *GrGStað*, § 68, p. 88.

The existence of a conflict between the provisions in *Konungsbók-Grágás* and *Ólafslög* on the one hand and in *Staðarhólsbók-Grágás* on the other has led scholars to debate whether the latter was written after the submission to the Norwegian king, when the three year period was supposedly waived in an agreement between the Icelanders and King Hákon Hákonarson (analysed in Chapter 3), or whether *Staðarhólsbók-Grágás* anticipated this change.¹⁰⁶ The use of the adverb ‘now’ (*enda er nú*) seems to indicate that a change in the law is being recorded. Even if *Staðarhólsbók* was written after the submission in *c.* 1262, however, it would have postdated *Konungsbók*, which is dated to *c.* 1250, by about two decades at most. This proximity of dates suggests that the two laws may represent not a total change of ideas from one state to another, but ideas held simultaneously. I will argue in Chapter 3 that the submission cannot be thought of as a single event, but was part of an ongoing process of negotiation taking place before and after 1262. Equally, I suggest here, legal texts do not record or bring about an immediate and complete change of affairs: changes in practice can take a long time to take place, and are not immediately reflected in the law. Accordingly, it is possible that these provisions co-existed.

Járnsíða does not have an equivalent provision, but fourteenth-century manuscripts of *Jónsbók* (introduced in Iceland in 1280–1281), record that a legitimate heir to the property of a Norwegian who died in Iceland or an Icelander who died in Norway had ten years to claim it, and that if the property was not claimed in this time, the king inherited it.¹⁰⁷ If we follow strictly the estimated dating of the manuscripts, we may infer that, concerning the inheritance rights of Icelanders who died in Norway, the laws changed from stipulating a deadline of three years, to not stipulating a deadline, and then to stipulating a deadline of ten years. However, we cannot assume

¹⁰⁶ See *Staðarhólsbók*, pp. 10–11.

¹⁰⁷ *NgL*, iv, *Erfðabáttir*, §§ 17–18, pp. 238–39, but compare *Jb*, pp. 93–97. In *NgL*, the period for Norwegians to claim their inheritance is five years, which is supported by manuscripts AM 346 fol. (*c.* 1340–1360), GKS 3268 4° (*c.* 1350), GKS 3270 4° (*c.* 1350) and GKS 3269 b 4° (*c.* 1330–1340). *Jb* has manuscript AM 351 fol. (*c.* 1360–1400) as its base-text, which gives ten years, a reading supported by eight other manuscripts from *c.* 1330–1350 and seven manuscripts from *c.* 1360–1400; the period of five years is supported by five manuscripts from *c.* 1330–1350 (inclusive of the four manuscripts used in *NgL*), and one manuscript from *c.* 1363. I have not considered manuscripts more recent than *c.* 1400.

that the changes in the law immediately reflected changes in practice, occurring on specific dates, nor can we use our inferred idea of a series of changes to determine a specific legal chronology. As suggested above, the provisions which contradict each other in part may have co-existed. The inheritance rights of both Icelanders and Norwegians underwent several changes, with contradictory ideas and practices probably often held simultaneously, and in no clear, orderly progression, and were the object of negotiations between them.

It is noteworthy that provision 2 in the *Ólafslög* does not specify that it is the property of a Norwegian in Iceland that can be inherited. Accordingly, Norwegians could inherit from Icelandic relatives or Icelandic partners.¹⁰⁸ In the same way, the provision concerning the inheritance rights of Icelanders in Norway (provision 4) does not specify that it was the property of an Icelander in Norway that could be inherited. This could indicate that when the *Ólafslög* were created (supposedly during the reign of Óláfr inn helgi), the inheritance rights of Norwegians in Iceland and of Icelanders in Norway were not geographically delimited. When the settlement of Iceland began in the ninth century, many Norwegian families in Iceland might have found themselves only geographically separated from Norway; until their own Icelandic identity developed, as will be discussed in Chapter 4, they would have shared a Norwegian identity. Legal rights connected to family ties were therefore less geographically delimited.¹⁰⁹ This is generally reflected in the inheritance rights granted to Norwegians in Iceland discussed above, but also in provisions regulating Icelandic-Norwegian marriages and the rights of children born from such relations: Norwegians were granted privileges that were not extended to other foreigners.¹¹⁰ The lack of a defined geographic boundary concerning the rights of inheritance probably became the cause of further conflict as families in Iceland began to form their own branches and generations; the *Ólafslög* could have been created to tackle these problems.

¹⁰⁸ Finsen (*GrgKon*, iv, p. 195) and Melsteð, *Rjettur Íslendinga*, p. 17, do not consider this a valid hypothesis. They interpret the cause restrictively: a blood-relative or partner could inherit from a Norwegian in Iceland.

¹⁰⁹ Kirsten Hastrup, *Culture and History in Medieval Iceland: An Anthropological Analysis of Structure and Change* (Oxford: Clarendon Press, 1985), p. 223, discusses the importance of the notion of *ætt* within the relation between Icelanders and Norwegians.

¹¹⁰ *GrgKon*, i, § 118, p. 226.

6 *Hauldr—hǫldr*

As mentioned above, the *Ólafslög* prescribed that Icelanders had *hǫldsréttir* when they were in Norway—that is, in cases where an offence was perpetrated against an Icelandic, he or she would receive the compensation due to a Norwegian *hǫldr*:

Islendingar eigo at hava haldz rétt i noregi.

Icelanders are to have the right to personal compensation of a *hǫldr* in Norway.

In the *Gulapingslög*, *hǫldr* is the social rank immediately below the *lendr maðr*, a nobleman of rank immediately below a *jarl*; the word is used interchangeably with *óðalborinn maðr* [man born into his *óðal*].¹¹¹

Whereas the Icelandic legal system recognized the same rate of compensation for all free men in Iceland,¹¹² in Norway, according to the *Gulapingslög*, compensation for offences was stipulated in proportion to the person's rank, on a scale of freed-man to king. For example, compensation for wounds inflicted on individuals was stipulated according to the status of the person who inflicted the wound, on just such a scale.¹¹³ In a section about compensation, it is said that a *hǫldr* should be paid eighteen marks in legal tender (*log-eyrir*), and as for the other social ranks, compensation should increase or decrease proportionally, according to the way in which other compensation rates were prescribed in the *Gulapingslög*.¹¹⁴ Accordingly, *hǫldr* is the social rank which is used as the limit and the starting point for calculating compensation: not only are the penalties and fines incurred by other social ranks frequently calculated in proportion to the *hǫldr*, but the *hǫldr* is also used as the social rank below or above which (in the social scale) fines are incurred or rights are

¹¹¹ For a detailed analysis of the term in the Norwegian laws, see Konrad Maurer, 'Die norwegischen Hóldar', *Sitzungsberichte der philosophisch-philologischen und der historischen Klasse der k. b. Akademie der Wissenschaften zu München* (1889, II Band), pp. 169–207 (pp. 187–207).

¹¹² See *GrgKon*, I, "Vígslóðir", §§ 86–112, pp. 144–92, but especially § 88 "vm morð" [about manslaughter], pp. 154–57. See also Chapter 4, Sections 4 and 6.3.

¹¹³ *NgL*, I, § 185, p. 67.

¹¹⁴ *NgL*, I, § 180, p. 66: "Nu ero giolld told i Gula. giallda haulld .xviii. morcom logeyris. Nu scola þeðan giolld vaxa oc sva þverra sem retter aðrer" [Now the [rates of] compensations are enumerated in Gula. A *hǫldr*'s compensation is eighteen marks in lawful money. Now, from this point, compensation must increase or diminish as other rights do].

assigned.¹¹⁵ This also seems to be the case in the *Frostapingslög*: a thirteenth-century manuscript (NRA 1 C II, c. 1250) has a section about compensation in which the *hqldr* is used as the limit and the starting point for calculating compensation.¹¹⁶ This place that the *hqldr* occupies in the laws should perhaps not be dismissed as merely arbitrary. Calculations of compensation rates could have been indicated in a simpler manner, if, for example, the rate of compensation was determined from the social ranks at the highest or lowest end of the scale—the king or a freed-man. Perhaps this central place occupied by the *hqldr* in the law derives from the fact that originally, the Norwegian laws, like the Icelandic laws which came later, did not prescribe different compensations according to social ranks. Scholars agree that the term *hqldr* originally meant ‘man’, being etymologically akin to ‘halr’, a term for ‘man’ used in poetry.¹¹⁷ If the laws were only designed for man/*hqldr*, it could well be the reason why *hqldr*, subsequently a social rank defined by ownership of *óðal*, occupied a central position in the legal texts. If *hqldr* evolved from defining ‘man’ to defining ‘man who own ancestral land’, then it could follow that ownership of land came to define ‘man’ or that it became, at least, an important feature of ‘man’, as, at the same time, land was concentrated in fewer hands and became a privilege.¹¹⁸

¹¹⁵ See *NgL*, I, § 149, p. 59; § 185, p. 67 (instead of *hqldr* the term used is *aðalborinn maðr*); § 200, p. 71; § 218, p. 74; § 224, p. 76; § 239, p. 80; § 243, p. 81.

¹¹⁶ *NgL*, II, p. 513: “Haulldr skal taca at fullrette sinum .iii. mærcr. En þriðjungi væx oc sva þværr hværs mannz retrr upp fra hauldi” [A *hqldr* must take three marks for his full right [to personal compensation]. And [calculating] from the *hqldr*, it will increase or, as the case may be, diminish by a third part according to men’s rights]. Compare to *NgL*, I, § 34, p. 225.

¹¹⁷ Maurer, ‘Die norwegischen Hóldar’, pp. 176–79, presents a thorough review of scholarship about the etymology of the term. According to Maurer, Sophus Bugge was the first to suggest that the oldest meaning of the word *hqldr* was ‘man’ (p. 179).

¹¹⁸ A passage in *Skáldskaparmál* (GKS 2367 4°, c. 1300–1350) reads “Þar næst erv þeir menn, er havlþar heita; þat eru bvendr þeir, er gildir eru at ættvm ok rettvvm fyllvm” (*SnE*, pp. 161–62) [Next to them [that is, the *hersar*] are the men called *hqldr*. These are *bendr* who are noble concerning their lineage and [are entitled to the] full right to personal compensation]. Claudio Albani, *L’istituto monarchico nell’antica società nordica*, Pubblicazioni della Facoltà di lettere e filosofia dell’Università di Milano, 49 (Florence: La Nuova Italia, 1969), pp. 175–76, argues that *Skáldskaparmál* kept the original meaning of the word, because the author, Snorri Sturluson, as a historian and antiquarian, would have known the changing nuances of the word *hqldr*, and would have chosen the original usage of the word in that particular piece of poetry. There are many instances in poetry of *hqldr* being used to mean ‘man’ (cf. examples in the *Lexicon Poeticum*), as part of a poetic tradition. As Martin Syrett,

While the *Ólafslög* stipulated that Icelanders in Norway had the right to personal compensation of a *hóldr* (*hóldsréttir*) regardless of their activity in Norway, the *Gulapingslög* stipulated that Icelanders who went to Norway on trade activities were allowed *hóldsréttir* until they had lived in Norway for three years and had established homes there; afterwards they were granted the rights which other men bore witness that they had. All other foreigners had the right to compensation as *bændr*, except if men testified to something different. The passage reads:

Islendingar eigu haultdrett meðan þeir ero i kaupförum. til þeir hava her verit vetr .iij. oc hava buit her. þa scal hann hava sličan rett sem menn bera hanom vitni til. Aller aðrer utlenzker menn er hingat koma til landz. þa eigu boanda rett. nema þeim bere vitni til annars.¹¹⁹

Icelanders have the right [to personal compensation] due to a *hóldr* while they are on merchant journeys, until they have been here three years and have settled here, then [after that] they must have such right as men testify to be theirs. All other foreign men who come here to the country are to have the right due to a *bóndi*, unless they testify to something else.

Therefore, according to the *Gulapingslög*, Icelanders enjoyed an extended privilege compared to others foreigners in Norway, but the *Ólafslög* extended the privileges of Icelanders even further.¹²⁰

‘Drengs and Thegns Again’, *Saga-Book*, 25 (2000), 243–71 (p. 260), points out: “both *drengr* and *þegn* are frequently used in skaldic verse with a general sense of ‘man’, especially in martial contexts as ‘warrior’, where they fit in to a wide range of fairly colourless terms with much the same meaning used to construct kennings or participate in the intricate patterns of rhyme and alliteration typical of complex metres such as *dróttkvætt*”; the same is the case with the word *hóldr*.

¹¹⁹ *NgL*, I, § 200, p. 71. See Peter Foote and David M. Wilson, *The Viking Achievement: The Society and Culture of Medieval Scandinavia* (London: Sidgwick & Jackson, 1970; repr. 1984), p. 84.

¹²⁰ The extant seventeenth- to eighteenth-century manuscripts of the *Bjarkeyjarréttir* record that the privilege of being conferred *hóldsréttir* extended to every foreigner who was involved in commercial activities in Norway: “Svá er staðfest at allir eigu jafnan rétt í kaupangi. haultsrétt. þat eru .iij. merkr” (*NgL*, I, § 47, p. 314) [It is established that all have equal rights in the market towns: *hóldsréttir* of three marks]. Cf. *NgL*, IV, § 97, p. 80; see *ONP*, pp. 35–36. The *Bjarkeyjarréttir* were commercial and urban laws, developed within early trading centres, and designed to serve traders, seafarers and townsmen (*NgL*, V, p. 101; Nørseng, ‘Law Codes’, p. 138). Some fragments survive from the thirteenth century, but the laws could have been created some time during the twelfth century, as a result of the creation and development of towns in Norway. Alexander Bugge, *Studier over de norske byers selvstyre og handel for Hanseaternes tid* (Oslo: Grøndahl, 1899), pp. 14–19, suggests that the development of Norwegian towns began during the reign of King Óláfr inn kyrri (1066–

It is not possible to determine whether the provision in the *Gulapingslög* predates the provision in the *Ólafslög* or vice versa. The provision in the *Gulapingslög* does not replace the provision in the *Ólafslög*, because it specifically deals with Icelanders on merchant journeys, although, generally, it does mention Icelanders who then settle in Norway. As has been seen, there were provisions in the *Ólafslög* about Icelanders settling in Norway, but no mention of their rights after three years of being settled there. The provisions do not contradict each other and do not necessarily represent different textual layers; they may represent different stages of negotiations. They suggest that Icelanders were engaged in a constant process of negotiating their rights in Norway, a process in which many intermediate levels could have existed. The limited number of extant texts cannot show either the extent of this re-negotiation, or the different intermediate stages in it.

The similarity of the provisions in the *Ólafslög* and the *Gulapingslög* seems to indicate that the term *hóldr* means the same in both laws and may refer to men who have *óðal* rights. This is in agreement with the legal definition of *hóldr* found in the fourteenth-century manuscripts of the *Landslög* of King Magnús Hákonarsson (ruled 1263–1280):

En sa er hauldr er hann hefir oðaul at erfðum tekit bæðe eptir faður oc móðor þau er hans forellrar hafa att aðr firir þeim oc eigi annara manna oðaul i at telia þau er með kaupi eru at komin eða vtterðum.¹²¹

And he is a *hóldr* who has taken *óðal* by inheritance, both from father and from mother, which his ancestors had before them, and not an other man's allotted *óðal*, that which came into his possession by buying or selling or by outer inheritance.

1093). See also *Den norske sjøfarts historie fra de ældste tider til vore dag*, ed. by Alexander Bugge, Roar Tank, Jacob Stenersen Worm-Müller, 3 vols (Oslo: Steen, 1923–51), 1: *Skibfarten fra de ældste tider til omkring aar 1600* (1923), p. 172. Jóhannesson, *Íslendinga saga*, 1, p. 136, suggests that with the provision in the *Bjarkeyjarréttir*, the privilege granted by the *Ólafslög* became of “littils virði fyrir Íslendinga” [little worth to the Icelanders]. But that is not the case, since the provision in the *Bjarkeyjarréttir* (and the one in the *Gulapingslög*) specifically deals with the rights of people in market towns, and the provision in the *Ólafslög* includes Icelanders in Norway.

¹²¹ *NgL*, II, § 64, p. 146. The main manuscript used in the *NgL* edition is AM 60 4^o (c. 1320); for the other manuscripts used in this edition, see *ONP*, pp. 317–20. ‘Útferð’ [outer inheritance], translated by Cleasby-Vigfusson as ‘alien inheritance’, involves inheritance by partners, fostered relatives and freemen, among others, and is differentiated in the law from ‘fränderfð’, that is, ‘inheritance within kindred’.

A *hóldr* was one who owned *óðal* at *erfðum* [‘allodial land by inheritance’],¹²² and therefore a rank with a strong connection with ancestry. If that is the case, it might serve as evidence that saga narratives are not simply idealizing their past when they claim that the first settlers of Iceland had high-born status. It could also explain the reasons why inheritance laws transcended the geographical boundaries of the two countries: the ties with one’s ancestral land could not be easily cut off. Indeed, one could not dispose of one’s *óðal* land freely; there were many regulations for dividing, leasing, selling, and redeeming it.¹²³ Aaron Gurevich has made a comparative study of Anglo-Saxon *folkland*, Frankish *allodium* and Scandinavian *óðal*. He concludes:

Notwithstanding all the differences between them, there was an underlying unity, for all of these forms of land property were based on the same type of relationship of an individual and his family group to the land. It was not a kind of ‘private property’ which involves free disposal and unrestricted alienation of the object of property; it was a special case of the inner bond between man or group of people and the land, of an intimate connection between human world and nature. This form of relationship cannot be adequately qualified as subject/object relationship, for if a man possessed a plot of land, it may no less correctly be said that the land ‘possessed’ a man.¹²⁴

This insight into the nature of the *óðal* system—or rather, as Gurevich suggests, the *óðal* mentality—throws some light on an essential point

¹²² In the *Gulapingslög* there were several different types of land which could be regarded as *óðal* and presumably integrated into one’s *óðal* (*NgL*, I, § 270, p. 91). As the property system changed through time, it is likely that the status of *hóldr* was altered to fit into it. See Knut Robberstad, ‘The Odal Rights According to the Old Norwegian Laws’, in *Annen Viking Kongress—Bergen 1953*, ed. by Kjell Falck, Universitetet i Bergen Årbok 1955, Historisk-antikvarisk rekke, 1 (Bergen: Grieg, 1956), pp. 34–40.

¹²³ See *NgL*, I, §§ 87–88, pp. 43–44; §§ 265–94, pp. 86–96.

¹²⁴ Aaron Gurevich, ‘Free Norwegian Peasantry Revisited’, *Historisk tidsskrift* [Norway], 69 (1990), 275–84 (p. 279). In this article, Gurevich discusses his own views about property ownership in mediaeval Scandinavia and offers new insights on the subject with a new methodology, which was partly expounded in his *Categories of Medieval Culture*, trans. by G. L. Campbell (London: Routledge & Kegan Paul, 1985), pp. 45–48. For his old—but not necessarily wholly outdated—views, see his article ‘Так называемое “отнятие одаля” королем Харальдом Прекрасноволосым: Из истории возникновения раннефеодального государства в Норвегии’ [‘The so-called “deprivation of *óðal*” by King Harald Fairhair: From the History of the Beginnings of the Early Feudal State in Norway’], *Скандинавский сборник* [Skandinavskii Sbornik], 2 (1956); available online <URL: <http://norse.narod.ru/articles/odal.html>>.

in the *Ólafslög*.¹²⁵ The preservation of Icelanders' rights in Norway was also a statement about their ancestry, and a noble ancestry at that. That is why recognizing family ties, as Jón Jóhannesson suggests, was an important reason for the granting of the privileges to Icelanders.¹²⁶ When the *Ólafslög* prescribe that Icelanders have *hóldsréttir* in Norway, they guarantee their status of *óðalsmenn*, that is, men who owned their *óðal* because they were born to their *óðal*.¹²⁷ Becoming an Icelander would not interfere with this hereditary, ancestral right.

7 Conclusion

This analysis of the *Ólafslög* reveals that Norway occupied a special place within the Icelandic mentality, a space which was linked to Icelandic ancestry, but which also indicates that the Norwegian king had a certain control over the Icelanders. On the whole, the *Ólafslög* present a mutual balance between duty and privileges. On the part of Icelanders, there were obligations to go with the king on military expeditions and to pay *landaurar*, restrictions on the right to emigrate to Norway, as well as legal privileges conferred to the king and his men in Iceland. The Norwegian king, on the other hand, granted Icelanders *hóldsréttir*, exemption from harbour-tolls and the privileged use of timber and water in Norway, and also guaranteed the immunity of their legitimate property in Norway. This shows that Icelanders

¹²⁵ The importance of the *óðal* mentality appears in the saga narratives about the settlement of Iceland and will be discussed in Chapter 4.

¹²⁶ See Section 4 above (fn. 97).

¹²⁷ See Gurevich, 'Free Norwegian', p. 279. As Foote and Wilson, *Viking Achievement*, p. 82, have pointed out, although the etymology of the word is uncertain, "it is possible that it indicates some degree of identification between the inherited land and the ancestors from whom the ownership was ultimately derived". Archaeological research into the use of land and burial sites has focused on the *óðal* and has attempted to trace it back to the Iron Age: Gunnar Andersson, 'A Struggle for Control: Reflections on the Change of Religion in a Rural Context in the Eastern Mälaren Valley', in *Visions of the Past: Trends and Traditions in Swedish Medieval Archaeology*, ed. by Hans Andersson, Peter Carelli and Lars Ersgård, Lund Studies in Medieval Archaeology, 19 (Stockholm: Riksantikvarieämbetet, 1997), pp. 353–72; Torun Zachrisson, 'The Odal and its Manifestation in the Landscape', *Current Swedish Archaeology*, 2 (1994), 219–38; Dagfinn Skre, 'The Social Context of Settlement in Norway in the First Millennium AD', *Norwegian Archaeological Review*, 34 (2001), 1–12; Kåren Lunden and others, 'Comments on "The Social Context of Settlement in Norway in the First Millennium AD"', *Norwegian Archaeological Review*, 34 (2001), 13–23, and Skre's reply on pp. 24–34.

were ready to negotiate their rights and freedom with the king according to their best interests. However, the *Ólafslög* also show that the powers of the king seemed to extend beyond his territorial limit in Norway, and this forces us to question to what degree Icelanders were or were not subject to the rule of the Norwegian king. Mediaeval Icelanders would probably not have had an idea, as we now understand it, of an ‘independent’ Iceland—such an idea, as I will discuss in Chapter 4, was born within the discourse of discontented Icelanders in the nineteenth and twentieth centuries at a time when Icelanders struggled for independence from Danish rule. The hybrid relation (between subjects and non-subjects of the king) which emerges from the analysis of the *Ólafslög* might represent a more precise picture of the relations between Icelanders and the Norwegian king during the mediaeval period.

As I argued in Section 2, my analysis is intended to illuminate the rationale behind the written text. In Section 3, I showed that some accounts of the *Ólafslög* have been based on the assumption that the Norwegian king was deliberately laying the foundations for the interference of the Norwegian crown in Icelandic affairs, and that the law was created solely in accordance with his own designs. Recently, Gunnar Karlsson has proposed that “by the treaty, Icelanders tried to secure for themselves some minimal human rights” in Norway.¹²⁸ Notwithstanding the difficulty of using the concept of ‘human rights’, a difficulty even in analysis of contemporary society, Karlsson’s interpretation at least allows us to see the designs of the Icelanders in the *Ólafslög*. More importantly, it emphasizes that we should not try to account for the law through an individual reason located at a single, specific moment in time. As I suggested in this chapter, contradictions between legal provisions can reflect contradictory points of view simultaneously held in society, all of which should be accommodated in our understanding of the law. It is reasonable to suppose that both Icelanders and Norwegians were engaged in negotiations to overcome and resolve these contradictions.

¹²⁸ Gunnar Karlsson, *Iceland’s 1100 Years: The History of a Marginal Society* (London: Hurst, 2000), pp. 48–50 (p. 50).

CHAPTER THREE

DOCUMENTS OF THE ICELANDIC SUBMISSION

1 *Introduction*

In addition to the law of Óláfr inn helgi (*Ólafslög*) and the legal provisions in the Icelandic and local Norwegian laws discussed in Chapter 2, some texts have survived which illuminate the relations between Icelanders and the Kings of Norway during subsequent centuries. The most important documents concerning the affairs between Iceland and Norway are those purporting to show agreements made between the Icelanders and the Norwegian kings in the period 1262–1264 (or, according to some scholars, 1262–1302), and now known as *Gizurarsáttmáli* and *Gamli sáttmáli*.

Gizurarsáttmáli is the name that modern scholars have given to an agreement which is believed to correspond to the decision—as it is described in certain sagas—reached at the *Alþingi* in 1262, when Icelanders from the Northern and Southern Quarters of the country formally submitted to the Norwegian king, King Hákon Hákonarson.¹ The agreement is named after Gizurr Þorvaldsson, who appears in the Icelandic sources as one of the men who promoted the king's case in Iceland. The supposed agreement appears only in late manuscripts, the earliest of which dates from the second half of the sixteenth century, AM 45 8º, c. 1550–1600. Although the manuscript evidence is of a relatively late date, scholars have assumed that the terms of the agreement have been truthfully and accurately preserved.² However, given the importance which such a document would have had at the time, it seems extraordinary that no older version has been preserved, especially if one considers that a large number of legal texts from the thirteenth century are extant. As seen

¹ *DI*, I, no. 152, pp. 619–25.

² See Kirsten Hastrup, *Culture and History in Medieval Iceland: An Anthropological Analysis of Structure and Change* (Oxford: Clarendon Press, 1985), p. 260 and Jón Jóhannesson, *Íslendinga saga*, 2 vols in 1 ([Reykjavík]: Almenna bókafélagið, 1956–58), I, p. 332.

in Chapter 2, the period which preceded the Icelandic submission saw a great production of legal manuscripts containing both new and old laws. It is to be expected that the agreement would have been recorded with the new laws, and many copies of it been made. It is also noteworthy that most provisions of the extant documents do not find their way into the legal codes of Iceland from 1262 onwards, mainly *Jámsiða* and *Jónsbók*, or into the several *réttarbætr* [amendments of the law], in the same way that, for example, provisions of *Ólafslög* appear in different forms and versions in the *Grágás* texts and also in these two codes. Scholars have turned to the sagas and the Icelandic annals in order to support the historicity of *Gizurarsáttmáli*, but as will be shown in the following section, the accounts in the sagas and annals do not correspond entirely to the text of the document, where more is said in much greater detail. Many other documents of similar content to the text in AM 45 8^o have survived in older manuscripts; the earliest of them date from the second half of the fifteenth century.³ *Gamli sáttmáli* is the name generally given to these texts, and scholars have decided that they correspond to subsequent agreements made between the Icelanders and the King of Norway. There is no consensus among scholars about the dates of *Gamli sáttmáli*, which are thought to have been made in 1263, 1264 or 1302. The basis for this complex classification of dating into agreements from 1262 (*Gizurarsáttmáli*) and 1263, 1264 and 1302 (*Gamli sáttmáli*) is the textual differences between the texts.

It is my contention in this chapter that these classifications reflect only minor textual variations within the texts, and is not evidence of chronologically diverse thirteenth-century agreements. I will argue, moreover, that these texts, with all their textual variations, first appear in the fifteenth century as an effort on the part of Icelanders to produce a document which could tell the history of their country's submission to the Norwegian crown in the thirteenth century, and thus enable them to negotiate with the Norwegian crown in the fifteenth century. Firstly, I will demonstrate that this effort answered to political and economical pressures, mainly concerning trading, which Norway and Iceland were undergoing at the time. These texts were written on the basis of the textual evidence available, such as sagas and annals, but also included conditions and circumstances specific

³ See Section 5 below, especially Table 1.

to the time when they were recorded. Secondly, I shall argue that the continued re-writing of these agreements throughout the sixteenth century, and into the seventeenth century, produced the text which scholars unanimously date to 1262 (*Gizurársáttmáli*): like the fifteenth-century texts, this text represents an attempt to produce a written document of the thirteenth-century submission which would conform to both available historical data and contemporary interests.

This chapter analyses the accounts of the Icelanders' submission to the Norwegian king through the textual transmission of saga and annal accounts as well as those documents of the submission. I will start with the fourteenth-century accounts found in the sagas and annals, then move onto the documents of the submission from the fifteenth (or very beginning of the sixteenth) century, and finally to the documents of the agreement written throughout the sixteenth century into the seventeenth century. Although the accounts of the submission in the sagas and annals will serve as comparisons to the evidence provided in the fifteenth-century documents of the submission, I am not treating them as factual proof of the events, to which the documents of the submission must conform in order to be deemed truthful. Rather, these accounts will be analysed in order to assess the evidence available in the fourteenth century, so that we have a picture of what fourteenth-century Icelanders—because these texts are primarily Icelandic, even if they may represent only a small group of Icelanders—thought of the submission, or at least what they thought worth recording about it. My approach is intended to deconstruct the unity proposed by traditional scholarship: rather than picking up every piece of narrative in these sagas and annals and assembling them into a singular, coherent picture, I assess the available sources separately; only after this individual assessment will the narratives be brought together. This approach revises traditional views of the events founded, for example, on Jón Jóhannesson's now-canonical interpretation of that historical moment. Jóhannesson draws a very neat and complete picture of the years preceding the Icelandic submission.⁴ His method consists of gathering together all saga narratives related to the period to explain the historical state of affairs; the gaps between these accounts are not assessed individually, but are filled in by clauses found in documents such as *Gamli sáttmáli*

⁴ Jóhannesson, *Íslendinga saga*, 1, pp. 265–332. See Section 2 below.

and *Gizurarsáttmáli*. However, he does not thoroughly assess the value and contexts of these documents *per se*, but merely uses them as instruments for drawing together the saga narratives.

The chronological presentation of this chapter will demonstrate that after a large number of documents were written in the second half of the fifteenth century, such documents seem to appear again only towards the middle of the sixteenth century (and from then on they continue to appear regularly until the early eighteenth century). The circumstances of this increase in the number of documents in the fifteenth century requires investigation: why, after a gap of almost two centuries without any documents, they started cropping up in vellum manuscripts in Iceland, and the fact that no thirteenth- or fourteenth-century copies seem to have existed in Iceland and Norway. Of course, it is possible that documents of the submission, identical or similar to those extant agreements, did exist and are now lost, but this possibility should not prevent us from looking into the circumstances surrounding what seems (at least with regard to the documents that have survived) to have been their first appearance.

I have chosen to analyse these documents through a discussion of previous scholarship of the subject which has not yet been thoroughly investigated. Therefore, my analysis of these documents runs alongside a discussion of the textual classification adopted by these scholars. The objective of this approach is twofold: at the same time that I ask whether the different groups of texts represent distinct agreements from distinct moments in history, or whether they represent a single text, I will re-evaluate them against two historical moments, the 1262–1302 period of which the agreements claim to be a direct product, and the 1450–1500 period, when they were written down. This re-evaluation, I hope, will allow us to re-examine the context within which mediaeval Icelandic views of kingship developed. It will show that there is more than one mediaeval interpretation of the events surrounding the Icelandic submission and will argue against the construction of a uniform, and unifying, analysis of those sources. Along with the analysis presented in Chapter 2, it also shows that the so-called Icelandic ‘Free-State’ or ‘Commonwealth’ of early mediaeval times was not as free from the influence of the Norwegian crown as has been supposed.

2 *The sagas and the Icelandic submission*

The earliest extant account of the dealings between *jarl* Gizurr and the King of Norway is recorded in *Hákonar saga Hákonarsonar*. Two manuscripts of the saga from c. 1300–1325—*Eirspennill* (AM 47 fol.) and *Fríssbók* (AM 45 fol.)—give an account of how the *jarl* promises the king that he will bring peace to Iceland and make the freeholders pay tribute to him.⁵

Eirspennill

Hakon konungr sat þetta sumar í Björgyn hann gerði þá skipan til Íslandz at hann sendi Gizur ut ok gaf honum Iarls nafn. het G(izurr) þá at friða landit ok lata alla böndr giallda skatt konungi. konungr gaf honum margar sæmiligar giafir ok leysti hann uel af hendi hann sendi ok ut með honum Þorallda húita hirð mann sinn skyldi hann skynia hverssu I(arl) færi með æyrendum H(akonar) konungs.⁶

King Hákon stayed in Björgvin that summer. At that time, he made an arrangement concerning Iceland, that he sent Gizurr to Iceland and gave him the title of *jarl*. Gizurr promised to pacify the country and make all *bændr* pay *skattr* to the king. The king gave him many honourable gifts and dismissed him very well. He also sent his *hirðmaðr*, Þoraldur hvíti, with him: he was to look out for how the *jarl* forwarded King Hákon's cause.

Fríssbók

Hakon konvngur sat of svmarit í Björgyn. þá var með honom Gizvrr Þorvalldzson. konvngur sendi hann til Íslandz ok gaf honum iarlsnafn. het Gizvrr því í mót at friða Ísland ok lata alla bændr giallda konvngi skatta sem hann hafði aðr beitt. Bar Gizvrr þar a mikít mal at hann mvndi því æþvellldliga a leið koma. Konvngur gaf honom með iarlsnafnino margar sæmiligar giafir. hann sendi vt með honom Þorallda hvita hirðmann sinn (at skynia) hversu iarl færi konvngs eyrindom.⁷

King Hákon stayed in Björgvin during the summer. Gizurr Þorvalldsson was with him then. The king sent him to Iceland and gave him the title of *jarl*. Gizurr promised in return to pacify Iceland and make all *bændr* pay *skattr* to the king, as he had earlier requested. Thereupon Gizurr boldly said that he would easily bring that about. The king gave him many honourable gifts along with the title of *jarl*. He sent with him Þoraldur hvíti, his *hirðmaðr*, (to look out for) how the *jarl* forwarded the king's cause.

⁵ This event is generally dated to 1258 (cf. Jóhannesson, *Íslendinga saga*, I, pp. 321–22 and *Stu*, II, p. 301).

⁶ *HákEirsp*, chapter 340, p. 659.

⁷ *HákFrís*, chapter 302, p. 559.

In both manuscripts it is said that many men then decided to swear allegiance to the king, only to discover that the *jarl* had not reported the king's words very truthfully. *Fríssbók* says, however, that even after that, people decided to maintain their allegiance to the *jarl* and also to the king.⁸ *Fríssbók* also has an account of the events preceding the 1262 meeting at the *Alþingi*. It tells that the people of Reykjaholt swore their allegiance, and to surrender the country, to the Norwegian king: "Sorv svmir menn vm hæstiþ Hakoni konvngi land ok þegna"⁹ [In the autumn, some men swore [to give] the country and [their] allegiance¹⁰ to King Hákon]. Then, Hallvarðr gullskór, an envoy of King Hákon Hákonarson, listening to the *bændr*'s concerns over high payments to the king, assures the Icelanders that the king does not want to burden them with taxes, but expects obedience (*hlýðni*) and as much *skattr* [tribute] as the *bændr* have agreed to pay:

Ok er Hallvarðr spurði þetta sagði hann at konvngv villdi hafa lýðni af bændom ok slikan skatt sem þeir yrði asattir. enn konvngv villdi ecki at bændr væri pyndir til sva mikilla fegiallda.¹¹

And when Hallvarðr heard that, he said that the king wished to have the *bændr*'s obedience and as much *skattr* as they were ready to agree upon; but the king did not wish the *bændr* to be compelled [to make] such great payments.

Later at the *Alþingi*, because of the efforts of Hallvarðr gullskór and *jarl* Gizurr, Icelanders from the Northern Quarter and part of the Southern Quarter swear to pay perpetual tribute, to surrender the country and to give their allegiance to Hákon Hákonarson. Subsequently, the people of Borgarfjörðr and the Vestfirðir [the West fjords]¹² make the same oath:

⁸ *HákFrís*, chapter 302, p. 560.

⁹ *HákFrís*, chapter 318, p. 567. Jóhannesson, *Íslendinga saga*, I, pp. 324–25, dates this event to 1261.

¹⁰ *Þegn* (plural *þegnar*) means 'subject' here and can perhaps be understood within the context of the sentence 'swore . . . [to become] his subjects'. I translate it as 'allegiance' for the sake of convenience, so that only one verb—to give—is implied, without the necessity of adding another verb [to become].

¹¹ *HákFrís*, chapter 318, p. 567.

¹² This place-name refers collectively to the fjords in the north-west of Iceland.

Hallvarðr flvtti ok konvngs mal við Vestfirðinnga ok hetv þeir at koma til Þórsnes þings. enn iarl stefndi bondom til Hegranes þings ok let þar nokkura menn sveria Hakoni konvngi. Enn Rafn Oddsson kom til Þórsnes þings. ok þui for Hallvarðr eigi þangat. Var þesso mali skotiþ til alþingis. drogv allir hinir stærstv menn saman flocka i Vestfirðom ok fyrir svnnan land ok ætluðo at fylgia konvngs mali a alþingi. Enn er iarl spurði þetta flutti hann við Norðlendingnga konvngs mal ok kallaði fíorrað við sig ef eigi væri gengit vndir þat sem konvngr beiddi. Ok er skipot var lögretta. sorv flestir hinir beztu bændr or Norðlendingnga fíorðvngi. ok af Svnnlendinga fíorðvngi fyrir vtan Þiorsa Hakoni konvngi land ok þegna ok æfinligan skatt. sem bref þat vattar er þar var eftir gert. Reið Sigvarþr byskvp með Hallvarði vestr til Borgarfíarðar til Þverár þings. gengo þar Vestfirðingar vndir þui- lika eipa sem fyrst sorv formenn Rafn ok Sighvatr Boðvarsson. Sturla Þorþarson. Einarr Þorvalldzon. Vigfus Gvnnsteinsson. ok .iij. bændr með hveriom þeirra. þrir bændr sorv ok fyrir Borgfirþinga.¹³

Hallvarðr also pleaded the king's case to the people of the Vestfirðir and they promised to go to the Þórsnes assembly, and the *jarl* summoned the *bændr* to the Hegranes assembly and made some men swear [an oath] to King Hákon. And Hrafn Oddsson went to the Þórsnes assembly, so Hallvarðr did not go there. This case was brought to the *Alþingi*. All the greatest men from the Vestfirðir and the south of the country drew together in crowds and wanted to back the king's case in the *Alþingi*. And when the *jarl* heard this, he pleaded the king's case to the people of the Northern Quarter and said that it would be treason against him if things did not go as the king asked. And the Law Council was convened. Most of the best *bændr* of the Northern Quarter and of the Southern Quarter outside Þjórsá swore [to give] the country and [their] allegiance and [to pay] perpetual *skattr* to King Hákon, as the letter which was made later bears witness. Bishop Sigvarðr rode west with Hallvarðr to Borgarfjörðr to the Þverá assembly. The people of the Vestfirðir went under the same oath as the leaders Hrafn and Sigvatr Boðvarsson, Sturla Þorðarson, Einarr Þorvaldsson, and Vigfúss Gunnsteinsson first swore, and three *bændr* with each of them. Three *bændr* from Borgarfjörðr also swore [an oath].

The letter mentioned in this account, in which the vows of the people of the Southern and the Northern Quarters are written down, has been believed to correspond to the extant text of the *Gízzurarsáttmáli*. Jón Jóhannesson argues that:

¹³ *HákFrís*, chapter 318, pp. 567–68. These events are generally dated to 1262 (cf. Jóhannesson, *Íslendinga saga*, I, pp. 326–29; *Stu*, II, p. 312).

Íslendingar játuðu konungi ekki skilyrðislaust hlýðni og skatti á þessu alþingi. Þeir áskildu sér ýmis réttindi á móti og gerðu um hvort tvegja skriflegan samning við konung eða öllu heldur fulltrúa hans, Hallvarð gullskó. Sá samningur hefur stundum verið kallaður Gizurarsáttmáli, og verður því nafni haldið hér, með því að nafnið Gamli sáttmáli á að réttu lagi við annan sáttmála og yngra.¹⁴

Icelanders did not unconditionally consent to yield obedience and [pay] *skattr* to the king at this [meeting of the] *Alþingi*. They reserved several rights in return and either made a written agreement with the king or, rather, his representative, Hallvarð gullskór. This agreement has often been called *Gizurarsáttmáli*, and I have maintained this name here, because the name *Gamli sáttmáli* refers in fact to another younger agreement.

Jóhannesson's interpretation of the events described in the saga narrative is based on the knowledge of *Gizurarsáttmáli* which he brings to the reading of the saga. The words 'as the letter which was made later bears witness' are taken as proof that in the year 1262, Icelanders wrote down an agreement in which conditions other than the promise to the king of the country, their allegiance and perpetual *skattr* were laid down. However, the saga only states that their country, their obedience (by means of becoming the king's subjects) and the payment of perpetual tribute were promised by those Icelanders to the king.

A similar account of *jarl* Gizurr's involvement in the submission of the country is found in *Hákonar saga Hákonarsonar* from the fourteenth-century manuscript *Flateyjarbók* (GKS 1005 fol., c. 1387–1395). The *Flateyjarbók* text of this saga tells that the king, dissatisfied with *jarl* Gizurr, sends a letter to Iceland in which he stipulates how much tribute (*skattr*) he wants to receive, and sets down other matters:

Konungrinn sat í Biorgyn vm vetrinn ok hafði spurt af Jslandi at Gizsur jarl hafði litinn hug a lagt at flytia hans maal við Jslandinga. sendi hann þa bref til landzins huersu mikinn skatt hann villdi hafa. með þessum brefum for Juarr Arnliotarsun ok Paall linseyma hirdmenn konungs. Þeir komu vt fyrir alþingi ok foru til þings. var Gizsur jarl þar fyrir. þa voru flutt bref Hakonar konungs ok var þar mikil manndeilld aa huersu þeim var tekit. Flutti Gizsur jarl konungs erendi ok þo nockut með odrum vtveg en a brefinu stod.¹⁵

¹⁴ Jóhannesson, *Íslendinga saga*, I, p. 328.

¹⁵ *HákFlat*, III, chapter 262, p. 206. This episode is dated to 1260 (cf. Jóhannesson, *Íslendinga saga*, I, p. 323).

The king stayed in Björgvin during the winter and heard from Iceland that *jarl* Gizurr had given little thought to pleading his case to the Icelanders. He then sent letters to the country [stating] how much *skattr* he wished to have. The king's *hirðmenn*, Ívarr Arnljótarson and Páll línseyma, went [to Iceland] with these letters. They arrived before [the meeting of the] *Alþingi* and went to the assembly. *Jarl* Gizurr was there already. Then they read King Hákon's letters and there was a great discussion about how they should receive them. *Jarl* Gizurr pleaded the king's cause, though in a somewhat different way from that which was in the letter.

After the discussion at the *Alþingi*, no agreement with the king appears to be reached. After the account of the arrival of Hallvarðr gullskór in Iceland, the *Flateyjarbók* text, despite some differences in factual details, follows the *Fríðsbók* text quite closely; however, there is no mention of a letter or document in which the terms of an agreement are written down:

Þá er Halluadr spurdi þetta quad hann konung ecki vilia at bændr væri þyndir til sua storra fegiallda kuat hann vilia hafa maatuligann skatt af almenningi ok het i mot rettarbotum. Halluadr flutti konungs maal vid Vestfirdinga ok hetu þeir at koma til Þórsnes þings vm vorit ok sueria þar konungi land ok þegna. enn er jarl vard þessa viss stefndi hann bændum til Hegraness þings ok let þar nockura menn sueria konungi land. enn Rafn Oddsson kom eigi til Þórsnes þings ok þui kom Halluadr ecki. Var þa skotid til alþingis. drogu allir enir stærstu menn i Fiordum vestr storflocka er at leid þingstefnunni. þeir sendu menn a fund sona Steinuarar ok Andressona at þeir skyldu rida til þings med aullum afla sinum fyrir austan Þiorsaa. Þoruadr Þorarinsson hafði heitid at koma med Austfirdinga. Gizsur jarl kom til alþingis med miklu lidi. jarl flutti þaa konungs maal bæði vid Nordlendinga ok Sunnlendinga ok bad þa til med godum ordum enn kalladi fiorraad vid sik ef þeir mælti i mot. Eftir þat var skipud laugretta ok soru flestir enir bezstu bændr or Nordlendinga fiordungi ok Sunnlendinga fiordungi fyrir vtan Þiorsaa Hákonu konungi land ok þegna ok æfinligan skatt. siþan reid jarl af þingi ok sudr i Laugardal ok hellt þar saman flockinum vm riid. Siguadr byskup ok Halluadr ridu aa Þveraa þing. geingu þa Vestfirdingar undir hlydni. soru fyst Rafn Oddsson Sturla Þordarson, Sighuatr Boduarrsson Einar Þorualdzson Vigfuss Gunnsteinsson ok þrir bændr med huerium þeirra. þrir bændr soru fyrir Borgfirdinga. þa hofdu allir Jsldingar geingit vndir skatt vid Hakon konung vtan Austfirdingar frá Helkunduheidi ok til Þiorsaar i Sunnlendinga fiordungi.¹⁶

¹⁶ *HákFlat*, III, chapter 271, pp. 575–76.

And when Hallvarðr heard that, he said that the king did not wish the *bændr* to be compelled [to make] such great payments; he said that he wished to have fitting *skattr* from the people, and in return promised amendments to the law. Hallvarðr pleaded the king's case to the people of the Vestfirðir and they promised to go to the Þórsnes assembly in the spring and to swear [to give] the country and [their] allegiance to the king there. And when the *jarl* learnt of this, he summoned the *bændr* to the Hegranes assembly and made some men swear [to give] the country to the king. And Hrafn Oddsson did not go to the Þórsnes assembly, so Hallvarðr did not go. [The case] was then brought to the *Alþingi*. All the greatest men from the Vestfirðir drew together in great crowds on their way to the summoning of the assembly. They sent men to meet the sons of Steinvör and the sons of Andrés, that they should ride to the assembly with all their forces to east of the Þjórsá. Þorvarðr Þórarinnsson had promised to come with the people of Austfirðir. *Jarl* Gizurr went to the *Alþingi* with a great party. The *jarl* pleaded the king's case to people from both the North and the South and made his pledge with good words, and claimed that it would be treason against him if they spoke against him. After that, the Law Council was convened and most of the best *bændr* from the Northern Quarter and the Southern Quarter outside Þjórsá swore [to give] the country, [their] allegiance and [to pay] perpetual *skattr* to King Hákon. Afterwards, the *jarl* rode away from the assembly to the south in Laugardalur and kept a group of men there for a while. Bishop Sigvarðr and Hallvarðr rode to the Þverá assembly. Then the people of the Vestfirðir went under obedience. Hrafn Oddsson, Sturla Þórðarson, Sighvatr Bøðvarsson, Einarr Þorvaldsson and Vígfúss Gunnsteinsson, and three *bændr* with each of them swore first. Three *bændr* swore for the people of Borgarfjörðr. By then all Icelanders had submitted [to pay] *skattr* to King Hákon except for the people of Austfirðir from Helkunduheiði to Þjórsá in the Southern Quarter.

It might also be noted that this text describes the submission of the remaining part of the Southern Quarter, perhaps displaying a concern with the representativeness of the agreement. However, it is not at all certain whether this legal point was ever of any importance. Björn M. Ólsen argues that the agreement, as described in the sagas, was binding for all Icelanders,¹⁷ but Jón Jóhannesson claims that this

¹⁷ Björn M. Ólsen, *Enn um upphaf konungsvalds á Íslandi* (Reykjavík: Hið íslenska þjóðvinafélag, 1909), pp. 30–4 (p. 30), first published in *Andvari*, 34 (1909), 1–81: “Enn til hvers var sáttmálinn hafður uppi í Lögrjettu? Til hvers vóru eiðarnir unnir þar? Tilgangslaust gat það ekki verið. Svarið liggur beint við. Tilgangurinn gat ekki verið neinn annar enn sá að setja á hwortheggja stimpil hins almenna íslenska löggjafarvalds, löghelga það svo, að það væri bindandi fyrir allt landið” [But what was the agreement made at the Law Council for? What were the oaths sworn for? It could not have been

would not have been so, “nema lögrétta væri löglega skipuð mönnum úr öllum landsfjórðungum”¹⁸ [unless the Law Council was lawfully convened with men from all Quarters of the country]. Judging from the available evidence, either that was not the case, or the argument about the representation of all Quarters did not have the legal relevance which modern scholars want to give to it. Since the nineteenth century, a debate has taken place about the legal (constitutional) situation of Iceland in relation to Norway after the submission. As will be seen at the end of this chapter, this theoretical debate, based on modern concepts of Law and State, cannot be taken as an appropriate representation of what was relevant to mediaeval Icelanders.

These events are also described in *Sturlunga saga*, the earliest manuscripts of which are from c. 1350, but many passages about the submission which concern us here are taken from a late seventeenth-century manuscript.¹⁹ Jón Jóhannesson points out that some details of its narrative may contradict the other texts,²⁰ but these details are circumstantial and it is necessary to consider that those late manuscripts present a confused text in many places. In the seventeenth-century manuscript it is said that the Icelanders swore to pay tribute (*skattr*) to the king in 1262, and there is no mention of the formula ‘land ok begna ok ævinligan skatt’, which is recorded in *Fríssbók* and *Flateyjarbók*:

Um sumarit eptir, er Hallvarðr kom út um sumarit, var þingreið mikil norðan ór sveitum; fjölmenti Gizurr jarl mjök, ok reið Ásgrímur Þorsteinsson þá til þings með honum. Hrafn fjölmenti ok mjök vestan, reið með honum á þing Hallvarðr gullskór ok Einarr Vatnsfirðingr ok Vigfúss Gunnsteinsson, ok mundu þeir hafa sex hundruð manna. Gizurr jarl hafði eigi færa með því liði, er hann tók upp suðr, en átta hundruð manna. Var á því þingi svarðr skattr Hákonu konungi um allan Norðlendinga-fjórðung ok Sunnlendinga-fjórðung fyrir vestan Þjórsá,

without purpose. The answer is straightforward. The objective was nothing other than this—to give them both the mark of general Icelandic legislative power, legitimation that would be binding to all the country].

¹⁸ Jóhannesson, *Íslendinga saga*, 1, p. 338.

¹⁹ For information about the manuscripts of *Sturlunga saga*, see *Stu*, 1, pp. ii–lxxvi; Guðbrandur Vigfússon, ‘Prolegomena’, in *Sturlunga saga: Including the Íslendinga Saga of Lawman Sturla Thorðsson and Other Works*, 2 vols (Oxford: Clarendon Press, 1878), 1, pp. xvii–ccxiv (pp. clxxi–clxxviii); Ursula Brown, ‘A Note on the Manuscripts of *Sturlunga saga*’, *Acta Philologica Scandinavica*, 22 (1954), 33–40; Stephen Norman Tranter, *Sturlunga Saga: The Role of the Creative Compiler*, German Language and Literature, 941 (Frankfurt a.M.: Lang, 1987), pp. 9–10; *ONP*, pp. 398–99. For information about editions of the sagas see Tranter, *Sturlunga saga: The Role of the Creative Compiler*, pp. 11–14.

²⁰ See Jóhannesson, *Íslendinga saga*, 1, pp. 329–30.

skattr var þá ok svarinn um allan Vestfirðinga-fjórðung. Tólf menn sóru skatt í Norðlendinga-fjórðungi: Ásgrímr Þorsteinsson, Hallr tísti ok Guðríkr, ór Eyjafirði Hallr af Mqðruvöllum, Þorvarðr af Saurbæ, Guðmundr frá Hrafnagili, ór Skagafirði Geirr auðgi Þorvaldsson, Kálfr ok Þorgeirr Brandssynir, fyrir vestan Vatnsskarð Bjarni á Auðkúlustaðum, Sigurðr ór Hvammi, Illugi Gunnarsson. Tólf menn sóru ok skatt ór Vestfirðinga-fjórðungi.²¹

In the following summer, when Hallvarðr came to Iceland during the summer, there was a great riding to the assembly from the north of the country. *Jarl* Gizurr [had] many people, and Ásgrímr Þorsteinsson rode to the assembly with him at that time. Hrafn [had] many people from the west, Hallvarðr gullskór, Einarr Vatnsfirðingr and Vigfúss Gunnsteinsson rode to the assembly with him, and they must have had six hundred men. *Jarl* Gizurr had no less a company than eight hundred men when he left the south. In the assembly all the Northern Quarter and the Southern Quarter west of Þjórsá swore [to pay] *skattr* to King Hákon; all the Vestfirðir Quarter also swore [to pay] *skattr*. Twelve men swore [to pay] *skattr* in the Northern Quarter: Ásgrímr Þorsteinsson, Hallr tísti and Guðríkr; from Eyjafjörðr, Hallr af Mqðruvellir, Þorvarðr of Saurbær, Guðmundr from Hrafnagil; from Skagafjörðr, Geirr auðgi Þorvaldsson, Kálfr and Þorgeirr Brandsson; from west of Vatnsskarð, Bjarni at Auðkúlustaðir, Sigurðr from Hvammr, Illugi Gunnarsson. Twelve men swore [to pay] *skattr* from the Western Quarter.

This passage comes from a seventeenth-century manuscript which has a rather garbled, conflated text, as the same events seem to be narrated twice. On the second occasion, the passage does have the formula ‘land ok þegna ok ævinligan skatt’, and concludes with Icelanders from the three Quarters of the country agreeing to pay *skattr* to King Hákon Hákonarson.²² *Sturlunga saga* concentrates on Icelandic affairs and describes many other events surrounding the submission of the country, but, if the seventeenth-century manuscript is anything to go by, it does not report the submission of all Quarters of the country as described in *Flateyjarbók*.

It is important to note that all of the texts analysed above, except for *Sturlunga saga*, report that in 1256, Icelanders from Skagafjörðr, Eyjafjörðr, and most of the *bændr* from the Northern Quarter of the country swore to pay tribute to King Hákon:

²¹ *Stu*, II, p. 312.

²² *Stu*, II, pp. 319–320; see the editor’s notes on these pages about the conflation of these episodes in the manuscript.

Eirspennill

um sumarit sendi konungr til Islandz Iuar Engla s(on) at flytia æyrenddi sitt a Islandi með at ueizlu byskupanna. [. . .] Iuar uar um uettrinn i Skalaholtti ok þotti honum byskup leggja á minna hug konungs æyrendi en hann hafði heitið for Iuar um uarit norðr til moz við H(einrek) byskup ok Þorgils ok flutti konungs mal firi þeim haufðo þeir almennmiligt þing i Skagafirði oc fluttu konungs mal með Iuari kom þa súa at Eyrfindingar oc Skagfirðingar iatuðu at gialdda skat konungi oc mestr þóri bøndda i Norðlendinga fiorðungi.²³

That summer, the king sent Ívarr Englason to Iceland to plead his cause in Iceland with the bishops' assistance. [. . .] Ívarr was in Skalahólt in the winter and thought the bishop gave less thought to the king's cause than he had promised. Ívarr went north in the summer to meet Bishop Heinrekr and Þorgill and pleaded the king's case to them. They had a meeting in Skagafjörðr and pleaded the king's case alongside Ívarr, and it then came about that the people from Eyarfjörðr and Skagafjörðr and most of the *bændr* in the Northern Quarter consented to pay *skattr* to the king.

Fríssbók

Vm smarit þetta er Hakon konvngr sat i Biorgyn sendi hann til Jslandz Jvar Englason at flytia eyrindi sin við lipveizlu byskvpa. þvi at hann trvði þeim vel. [. . .] Jvarr var vm vettrinn i Skalaholtti ok þotti honum byskvp leggja minna hug a konvngrs eyrindi enn hann hafði heitið. for Jvarr vm varit norðr til Skagafiarðar ok fann þar Heinrek byskvp ok Þorgisl skarða er þa var yfir Skagafirði ok flutti konvngrs mal fyrir þeim. Toku þeir baðir vel vndir ok stefndo saman bondom i Skagafirði ok fluttv konvngrs mal með Jvari. kom þa sva at allir Skagfirþingar ok vm Eyiafiorð iattuðo at giallda skatta ok mestr luti bønda i Norðlendingnga fiorðunngi þvilikan sem þeir semði við Jvar.²⁴

That summer, when King Hákon was in Björgvin, he sent Ívarr Englason to Iceland to plead his cause with the help of the bishops, because he trusted them well. [. . .] Ívarr was in Skálaholt in the winter and thought the bishop gave less thought to the king's cause than he had promised. In the spring, Ívarr went north to Skagafjörðr and met there Bishop Heinrekr and Þorgill skarði, who was over in Skagafjörðr, and pleaded the king's case to them. They both received [the pledges] well and together called on the *bændr* from Skagafjörðr and pleaded the king's case alongside Ívarr. Then it came about that all people of Skagafjörðr and around Eyjafjörðr consented to pay *skattr* and so did most of the *bændr* from the Northern Quarter as they had agreed upon with Ívarr.

²³ *HákEirsp*, chapter 320, p. 643.

²⁴ *HákFríss*, chapter 288, pp. 547–48.

Flateyjarbók

Vm vorit sendi konungr til Jslandz Juar Eglason at flytia sitt erendi aa Jslandi med tilbeina byskupanna þuiat konungr trudi þeim baadum vel. [. . .] Juarr var i Skaalholtti vm vetrinn ok þotti honum Siguardr byskup litinn hug leggja aa konungs erendi. for Juarr vm vorit norðr til Skagafiardar ok fann Heinrek byskup ok Þorgils skarda ok flutti konungs maal fyrir þeim. toku þeir baadir vel vndir ok stefndu saman ollum bændum fyrir nordan ok fluttu konungs maal med Juari. kom þa sua at mestr luti bända i Nordlendinga fiordungi iattudu at giallda skaatt konungi slikann sem þeir yrði aa saattir vid Juar.²⁵

That spring, the king sent Ívarr E[n]glason to Iceland to plead his cause with the furtherance of the bishops, because the king trusted them well. [. . .] Ívarr was in Skálaholt in the winter and thought that Bishop Sigvarðr gave little thought to the king's cause. Ívarr went north to Skagafjörðr in the winter and met Bishop Heinrekr and Þorgill skarði and pleaded the king's case to them. They both received the pledges well and together called on the *bændr* of the north and pleaded the king's case alongside Ívarr. Then it came about that most of the *bændr* from the Northern Quarter consented to pay as much *skattr* to the king as they had agreed upon with Ívarr.

According to these passages, the decision to pay tribute to King Hákon is reached without *jarl* Gizurr's interference, and there is no indication that anything other than the payment of tribute was decided on that occasion.

* * *

The examination of these sagas shows that, while not all sources emphasize the same issues which were involved in the decision to submit to the Norwegian king, most of them place the payment of tribute at the heart of the submission question and suggest that the king's arbitration in disputes among Icelanders was felt to be important. The narratives also tell us something about the way in which the presence of the Norwegian king in Icelandic affairs was perceived: this presence was constant and resulted from a mutual agreement between Icelanders and the king. A similar picture also emerges from Ármann Jakobsson's analysis of the depiction of King Hákon Hákonarson in *Sturlunga saga* and *Hákonar saga Hákonarsonar*. Jakobsson compares the mediaeval picture of the king to that which modern scholars have constructed from these sources. He concludes that these

²⁵ *HákFlat*, III, chapter 248, pp. 189–90.

sources do not present the Norwegian king using Icelanders like marionettes for the purpose of obtaining power over Iceland.²⁶ On the contrary, they show that the king was portrayed very favourably and within mediaeval concepts of the ideal of kingship. Jakobsson remarks that behind the interpretation which sees the king as a manipulator is the belief that Iceland was freer and more independent than other countries during the Middle Ages.²⁷ Indeed, the very use of the word ‘commonwealth’—with its implications of anti-monarchical attitudes—to describe the period before submission indicates the tendentiousness of scholarly opinion on the subject of the Icelandic submission. However, as my analysis of the *Ólafslög* in Chapter 2 indicates, the presence of the Norwegian king in Icelandic affairs was greater than these scholars have supposed, and Norwegian kings had a certain degree of administrative and punitive power over Icelanders. The decision to pay tribute and to become the king’s subject was an assertion of this presence.

3 *The Icelandic annals and the Icelandic submission*

Four Icelandic annals from the fourteenth century record in greater or lesser detail the decision of the Icelanders to pay tribute to the king. The so-called *Annales regii*, contained in the manuscript GKS 2087 4^o (c. 1300–1328), record for the years 1262, 1263 and 1264, respectively:

Svarið Hákonni ok Magnúsi Noregs konungvm lannd ok þegnar ok évinligr skattr af Íslanndi vm Norðlenndingafiorðvng ok Sunnlenndingafiorðing firir vtan Þiors á. ok vm Vestfirðingafiorðvng.

²⁶ Ármann Jakobsson, ‘Hákon Hákonarson: friðarkonungur eða fúlmenni?’, *Saga*, 33 (1995), 166–85 (p. 179). See especially the analysis of the dealings between *jarl* Gizurr and the king (pp. 177–79).

²⁷ Jakobsson, ‘Hákon Hákonarson’, p. 179. Jakobsson concentrates his analysis on scholars from the early twentieth century onwards, but this view can already be seen in the seventeenth century with Arngrímur Jónsson. In his *Crymogæa sive rerum Islandicarum libri III*, in *Arngrimi Joanae opera latine conscripta*, ed. by Jakob Benediktsson, Bibliotheca Arnarnagana, 9–12, 4 vols (Copenhagen: Munksgaard, 1950–57), II (1951), pp. 1–225 (pp. 164–71), Jónsson vividly depicts the credulous Icelanders, duped by cunning kings and riven by the acts of a greedy oligarchy, finally surrendering their freedom in exchange for safety and peace.

Á þessv sama ári iataðv Oddaveriar Noregs *konungvm* skatí firir ávstan Þjorsá *vm Svnnlenndinga* fiorðung.

Á þessv sviri svarði Ormr Orms *sonr* Noregs *konungvm* skatt á alþingi firir Siðvmenn. *ok* þá hofðv allir formenn á *Islandi* samþyct *vm* skatt við Noregs *konunga*.²⁸

Sworn [to give] to the Kings of Norway, Hákon and Magnús, the country and allegiance and perpetual *skattr* of Iceland, throughout the Northern Quarter and the Southern Quarter beyond Þjorsá and also throughout the Vestfirðir Quarter.

In that same year, the people of Oddi and the people east of Þjorsá of the Southern Quarter consented [to pay] *skattr* to the King of Norway.

That summer, Ormr Ormsson swore at the *Alþingi* [to pay] *skattr* to the Kings of Norway on behalf of the people of Síða, and then all leaders of Iceland had agreed [to pay] *skattr* to the Kings of Norway.

The *Skálholts annáll*, in the manuscript AM 420 a 4° (c. 1362) records for the years 1260 and 1262, respectively:

Fundr Gizurar jarls at Þingskalum *ok* Rangeinga. voru fyrir þeim Biörn Sæmundar son *ok* Loptr Halfdanar son. *ok* þa soru Rangeingar trunaðar eiþa herra Hakoni *konungi* *ok* Gizuri jarli.

Svarinn Hakoni *konungi* *skattr* a *Islandi*.²⁹

Meeting of *jarl* Gizurr and the people from Rangárvellir at Þingskálar. Björn Sæmundarson and Loptr Halfdanarson led them. And then the people from Rangár-vellir swore an oath of allegiance to King Hákon and *jarl* Gizurr.

[Payment of] *skattr* sworn to King Hákon in Iceland.

The *Lögmanns annáll*, in the manuscript AM 420 b 4° (c. 1362–1380),³⁰ records for the years 1258 and 1262, respectively:

giorde Hakon *kongr* hinn fyrsta jarl yfir Islande Gizor Þoruallds son.

Jattudu Jslendingar Hakone *konge* skatte ouenliga af Islande *ok* Magnuse syne *hans*.³¹

King Hákon made Gizurr Þorvaldsson the first *jarl* over Iceland.

Icelanders consented [to pay] *skattr* of Iceland perpetually to King Hákon and his son Magnús.

²⁸ *AnnReg*, pp. 134–35.

²⁹ *AnnSk*, p. 193.

³⁰ Some parts of the manuscript are from 1380–1390; see footnote 143 below.

³¹ *AnnaL*, pp. 257–58.

Finally, the *Flateyjarbókar annálar* (c. 1387–1395) record for the years 1260 and 1261, respectively:

Juar Arnliotarson heimti skatt af hendi Noregs kongs ok villdu menn eigi gjallda.

vtkuoma Halluadar gullskos i Hvitæ med brefum Hakonar kongs ok skipadr Rafni Borgarfiordr.³²

Ívarr Arnljótason claimed [the payment of] *skattr* on behalf of the King of Norway but men did not want to pay.

Arrival [in Iceland] of Hallvarðr gullskór in Hvítá with letters from King Hákon, and Borgarfjörðr is assigned to Hrafn.

As will be seen in Section 6 below, there is a controversy about the date of some of the agreements grouped under the name *Gamli sáttmáli*, and some scholars date these agreements to 1302. Three of the above fourteenth-century annals, as well as the *Annales vetustissimi* (AM 415 4°, c. 1310), report that Icelanders swore allegiance to the Norwegian king in this year:

Annales vetustissimi

Svarit Island Hakoni konungi.³³

Iceland sworn to King Hákon.

Annales regii

Svarit Hákonu konungi land ok þegnar á Islandi. ok iatat logbók til vmbóta virðvligs herra Hákonar konungs.³⁴

Sworn [to give] to King Hákon the country and allegiance of Iceland, and consented to amendments in the law-book of the honourable lord, King Hákon.

Skálholts annáll

Svarit Hakonu konungi land ok þegnar a Islandi.³⁵

Sworn [to give] to King Hákon the country and allegiance of Iceland.

Flateyjarbók

suarit Hakonu kongi land ok þegnar a Islandi. ok iattat logbok i hans valld til vmbotar med raði allra bezstu manna.³⁶

³² *AnnFlat*, p. 382.

³³ *AnnVet*, p. 52.

³⁴ *AnnReg*, p. 146.

³⁵ *AnnSk*, p. 199.

³⁶ *AnnFlat*, p. 388.

Sworn [to give] to King Hákon the country and allegiance of Iceland, and consent to amendments in the law-book into his power with the counsel of all the best men.

Similar entries are found for the years in which a new king succeeded to the Norwegian crown.³⁷

Like the accounts found in the sagas, the annalistic records differ from each other only in detail, and they all agree that the decision to pay tribute to the King of Norway took place in the years 1260–1264.³⁸ Scholars have most frequently argued that the annals are dependent on the sagas.³⁹ How much these records are dependent on each other and on the saga accounts is difficult to ascertain: it could well be the other way round, or that both sagas and annals derive information from common sources.⁴⁰ The *Annales regii* and the saga accounts in the manuscripts *Eirspennill* and *Frissbók* are nearly contemporary; it would be arbitrary to argue for one text as a source for the others on the basis of their dating.⁴¹ The different factual details and dates within the annals might remind us that unification of historical records is not always desirable, and perhaps, in most cases, misleading. The information in the annals does not

³⁷ For instance, in 1281: “Svarið Eiriki Noregskonungi ok Hákonni hertoga land ok þegnar á Íslandi” (*AnnReg*, p. 141) [Sworn [to give] the country and allegiance of Iceland to the King of Norway, Eiríkr, and the *hertogi*, Hákon]; “Svarit Eiriki konungi ok Hákonni hertoga land ok þegnar á Íslandi” (*AnnSk*, p. 195) [Sworn [to give] the country and allegiance of Iceland to King Eiríkr and the *hertogi*, Hákon]; “suarit Eirike konge land ok þegnar á Jslande. ok sua hertoga Hakone” (*AnnLög*, p. 260) [Sworn [to give] the country and allegiance of Iceland to King Eiríkr, and also to the *hertogi*, Hákon]; and 1320: “Svarit land ok þegnar Magnús konungi. vppi Þorskafiardar þing” (*AnnReg*, p. 152) [Sworn [to give] the country and allegiance to King Magnús in the Þorskafjörður assembly]; “let sueria Magnuse konge land” (*AnnLög*, p. 267) [Caused to swear [to give] the country to King Magnús]; “var suarit Magnusi kongi land” (*AnnFlat*, p. 395) [Sworn [to give] the country to King Magnús].

³⁸ The annalistic data about the submission has been thoroughly analysed by Hermann Pálsson, *Eftir hjóðveldið: heimildir annála um íslenska sögu 1263–98* (Reykjavík: Heimskringla, 1965); see especially pp. 10–25 (a year-by-year list of annalistic entries, from 1263 to 1298) and pp. 99–112 (for analysis of those entries).

³⁹ The canonical view of this dependency of the annals on sagas is expressed in Jakob Benediktsson, ‘Árböcker: Island’, *KL*, xx, pp. 435–37.

⁴⁰ Orri Vésteinsson, ‘The Christianization of Iceland: Priests, Power and Social Change 1000–1300’ (unpublished doctoral thesis, University of London, 1996), p. 29, comes to a similar conclusion about the relation between these annals (Vésteinsson does not include a discussion of the Icelandic annals in the published version of his dissertation—*The Christianization of Iceland: Priests, Power, and Social Change 1000–1300* (Oxford: Oxford University Press, 2000)).

⁴¹ See Pálsson, *Eftir hjóðveldið*, p. 99 (There, the *Annales regii* is named *Þingeyraannál*).

represent all that was known in the fourteenth century about the Icelandic submission—the factual details in the annals are only a selection, made by those who were in charge of recording them;⁴² but these different selections, like the picture which emerges from the saga narratives, show us that the Icelandic submission to the Norwegian crown was not perceived by mediaeval Icelanders as one crucial moment.

4 *The evidence of sagas and annals: conclusion*

It emerges from all these sources that within the period 1256–1264, Icelanders from different parts of the country agreed to pay tribute to the King of Norway. Not all sources, though, mention the submission of the people and the country, although it can be argued that the payment of tribute to the Norwegian king was implicitly understood as the submission of the people and the country. The reticence of some sources may perhaps indicate that in thirteenth- and fourteenth-century Iceland, there were different understandings of the nature of the relation between their country and Norway. While these differences cannot be said to show discrepant interpretations of the events surrounding the Icelandic submission to Norway in the thirteenth century, they warn us against conducting a uniform, and unifying, analysis of the sources.

If it were not for the existence of the documents known as *Gizurarsáttmáli* and *Gamli sáttmáli*, our understanding of the relation between Iceland and Norway before and after the years 1262–1264 would be dependent on the analysis of the extant legal and diplomatic material, as well as the saga narratives and annals shown above. Instead, this extant material comes to be interpreted in the light of the terms of the agreements, and the interpretation is made dependent upon it. At the same time, the terms of the agreements are interpreted in view of the saga and annalistic narratives; few scholars have assessed the agreements themselves and questioned

⁴² For an analysis of how contemporary circumstances may have interfered with the recording of the annals, see Elizabeth Ashman Rowe, 'The *Flateyjarbók* Annals as a Historical Source: A Response to Eldbjørg Haug', *Scandinavian Journal of History*, 27 (2002), 233–42, which responds to Eldbjørg Haug, 'The Icelandic Annals as Historical Sources', *Scandinavian Journal of History*, 22 (1997), 263–74.

their validity and historicity.⁴³ In the following section, I will investigate the history of those documents, in order to establish whether their value as a source of the history of the submission period should be regarded with more caution.

5 *Gizurarsáttmáli and Gamli sáttmáli: terminology*

Nowadays, the majority of scholars refer to the documents of the submission as *Gamli sáttmáli*,⁴⁴ but this is not the result of a critical consensus about the nature, contents or dating of the supposed agreements. Generally, the name *Gamli sáttmáli* is used to refer to agreements made in 1263, 1264 and 1302; whereas the name *Gizurarsáttmáli*, when used, refers to an agreement made in 1262.⁴⁵ In fact, Björn Þorsteinsson and Sigurður Línal explain that the name *Gamli sáttmáli* is used for different agreements, which they designate only by their respective years, *Gamli sáttmáli 1262–1264* and *Gamli sáttmáli 1302*.⁴⁶

⁴³ See, for example, the interpretation of individual clauses of the agreements in Björn Þorsteinsson and Sigurður Línal, 'Lögfesting konungsvalds', in *Saga Íslands*, ed. by Sigurður Línal, 5 vols (Reykjavík: Hið íslenska bókmenntafélag, 1974–1990), III (1978), pp. 19–108 (pp. 34–40, 82–87).

⁴⁴ For example, among the works used in this chapter, the following scholars refers to the supposed thirteenth-century agreements as *Gamli sáttmáli*: Björn M. Ólsen, *Um upphaf konungsvalds á Ísland* (Reykjavík: Hið íslenska þjóðvinafélag, 1908), pp. 32–73, first published in *Andvari*, 33 (1908), pp. 18–88; Knud Berlin, *Island statsretlige stilling efter fristatstidens ophor* (Copenhagen: Brødrene Salmonsens, 1909), pp. 58–156; Aage Gregersen, *L'Islande: son statut a travers les ages* (Paris: Librairie du Recueil Sirey, 1937), pp. 131–48; Þorsteinsson and Línal, 'Lögfesting konungsvalds', pp. 34–35 (but see footnote 54 below); Björn Sigfússon, 'Gamli sáttmáli endursvarinn 1302', in *Sjótiú ritgerðir helgaðar Jakobi Benediktssyni 20. júlí 1977*, Stofnun Árna Magnússonar á Íslandi, 12, 2 vols (Reykjavík: Stofnun Árna Magnússonar á Íslandi, 1977), I, pp. 121–37; Martina Stein-Wilckshuis, 'Laws in Medieval Iceland', *Journal of Medieval History*, 12 (1986), 37–53 (p. 50); Jón Viðar Sigurðsson, 'The Icelandic Aristocracy after the Fall of the Free State', *Scandinavian Journal of History*, 20 (1995), 153–66 (p. 160); Randi Bjørshol Wærdahl, *Skattland og kongemakt 1262–1350* (Våren: Norges teknisk-naturvitenskapelig universitet, 1998), pp. 38–44; Jesse Byock, *Viking Age Iceland* (London: Penguin, 2001), p. 352; Gunnar Karlsson, *Iceland's 1100 Years: The History of a Marginal Society* (London: Hurst, 2000), p. 83; Guðmundur Hálfðanarson, 'Gamli sáttmáli: Frumsamningur íslensks ríkisvalds?', in *Línal: Sigurður Línal sjötugur 2. júlí 2001*, ed. by Garðar Gíslason (Reykjavík: Hið íslenska bókmenntafélag, 2001), pp. 181–94 (p. 188).

⁴⁵ See Jóhannesson, *Íslendinga saga*, I, pp. 328, 338; II, pp. 49–50; *DI*, I, no. 156, pp. 669–716; *KL*, V, p. 170. Hastrup, *Culture*, p. 260, refers to all agreements made after *Gizurarsáttmáli* by the name *Gamli sáttmáli*.

⁴⁶ Þorsteinsson and Línal, 'Lögfesting konungsvalds', p. 35.

The inconsistency of this nomenclature originates in the various attempts by modern scholars to classify the variety of texts and to contextualize them historically. The accounts in the sagas and annals show that different parts of the country agreed to pay tribute to the king at different times; this has promoted the idea that several texts were written down on those different occasions, and scholars have been encouraged to see the textual variation as a manifestation of this temporal multiplicity.

Jón Sigurðsson, the editor of the first volume of the *Diplomatarium Islandicum* (hereafter *DI*) was the first to attempt a classification of the various texts. He divided them into four groups, not all of them having written documents to testify to their existence. The first group of texts in his scheme is divided into three sub-groups, according to three types of written texts which are extant. The first sub-group corresponds to an agreement made in 1262 between King Hákon Hákonarson (and his son Magnús) and the Icelanders from the Northern and Southern Quarters.⁴⁷ The second sub-group of texts corresponds to an agreement made in 1263, which he says is a renewal of the 1262-agreement, between King Hákon Hákonarson (and his son Magnús) and the Oddaverjar (and all common people of Iceland).⁴⁸ The third sub-group of texts corresponds to an agreement made in 1264 between King Magnús Hákonarson and Ormr Ormsson on behalf of the Síðumenn (and probably Þorvarðr Þórarinsson and the Austfirðingar).⁴⁹ The second agreement has no surviving text, but Sigurðsson argues that it corresponds to the agreement made between Icelanders and King Eiríkr Magnússon and his brother Hákon hertogi in 1281. The third group of texts corresponds to an agreement made in 1302 between the Icelanders and King Hákon háleggr Magnússon, being a renewal of *Gamli sáttmáli*.⁵⁰ The fourth group of texts corresponds to an agreement made in 1319–1329.⁵¹ In later volumes of *DI*, edited by Jón Þorkelsson, a simplified version

⁴⁷ *DI*, I, no. 152, pp. 602–25.

⁴⁸ *DI*, I, no. 153, pp. 625–46. This agreement is entitled ‘Annar sáttmáli Íslendinga við konúng’; see footnote 56 below.

⁴⁹ In *DI*, I, p. 661, he argues that it corresponds to the agreement recorded in the *Annales regii*; the texts of the agreement are to be found in *DI*, I, no. 156, pp. 661–716. For the annals, see Section 3 above and *AnnReg*, p. 135.

⁵⁰ *DI*, II, no. 177, pp. 333–36.

⁵¹ These documents are in *DI*, II, no. 343, pp. 496–98; *DI*, XI, no. 2, pp. 2–3. The oldest manuscripts are from c. 1620.

of Jón Sigurðsson's classification is adopted: the agreements previously assembled in two distinct groups are named generically *Gamli sáttmáli* and dated "1263 og síðar"⁵² [1263 and later]. Jón Þorkelsson does not dismiss Jón Sigurðsson's classification entirely; he seems reluctant to discriminate between the second and third sub-groups of texts, corresponding to agreements made in 1263 and 1264, the evidence for which might be found in some annals or sagas.⁵³ The same position is taken by Björn Þorsteinsson and Sigurður Línal, who refer to all agreements from 1262 to 1302 as *Gamli sáttmáli*, while they recognize that the extant texts bear witness to different agreements made at distinct times.⁵⁴

A different classification of these texts is carried out by Guðni Jónsson, writing in the *Kulturhistorisk leksikon for nordisk middelalder fra vikingetid til reformationstid* (hereafter *KL*), who divides the extant texts into two groups. The first group of texts in his scheme corresponds to an agreement made on the occasion of the Icelandic submission to the King of Norway, Hákon Hákonarson, and his son Magnús, in the years 1262–1264, and is called *Gizurarsáttmáli*.⁵⁵ The second group of texts corresponds to an agreement made in 1302 between the Icelanders and King Hákon Magnússon, and is named *Gamli sáttmáli*.⁵⁶ This division into two groups follows the conclusions of Peter Andreas Munch and Konrad Maurer, who note inconsistencies and anachronisms in texts previously classified by Jón Sigurðsson as being agreements made in 1262 or shortly after it; they therefore assign the agreement to 1302.⁵⁷ However, the texts identified in *DI*

⁵² *DI*, ix, no. 2, pp. 3–5; x, no. 7, pp. 7–8.

⁵³ Þorkelsson and Arnórsson, *Ríkisréttindi Íslands: skjöl og skrif* (Reykjavík: Félagsprentsmiðjan, 1908), pp. 3–6, 160–62.

⁵⁴ Þorsteinsson and Línal, 'Lögfesting konungsvalds', pp. 34–35, 82–84.

⁵⁵ *KL*, v, p. 170. The texts are found, still according to Guðni Jónsson, in *DI*, i, no. 152, pp. 620–24 (under the title 'Fyrsti sáttmáli Íslendinga við konúng'), ix, no. 1, pp. 2–3 (entitled 'Sáttmálinn fornasti') and x, no. 6, pp. 5–6 (entitled 'Gizurarsáttmáli').

⁵⁶ *KL*, v, p. 170. The texts are in *DI*, i, no. 153, pp. 635–46 (under the title 'Annar sáttmáli Íslendinga við konúng'), no. 156, 669–716 (entitled 'Gamli sáttmáli við Noregs konúng'); ix, no. 2, pp. 3–5 (entitled 'Gamli sáttmáli'); x, no. 7, pp. 7–8 (entitled 'Gamli sáttmáli').

⁵⁷ Peter Andreas Munch, *Det norske folks historie*, 6 vols in 8 (Oslo: Tønsberg, 1852–63), iv.1 (1858), pp. 367–69; Konrad Maurer, *Island von seiner ersten Entdeckung bis zum Untergange des Freistaats* (Munich: Kaiser, 1874), pp. 470–73 and *Udsigt over de nordgermaniske retskilders historie*, trans. by Ebbe Hertzberg (Oslo: Brøgger, 1878), pp. 86–87. See also Jón Þorkelsson and Einar Arnórsson, *Ríkisréttindi Íslands*, pp.

as an agreement between King Hákon hálegg and the Icelanders from 1302 do not belong to the group of texts recognized in *KL* as being the agreement from 1302. The *KL* 1302-agreement corresponds to the second and third sub-groups of the first group of texts classified by Jón Sigurðsson, that is, agreements from, respectively, 1263 and 1264. Konrad Maurer had already tried to explain the co-existence of two sets of documents dated to 1302: one supposedly corresponds to a letter of homage (*hyllingarbréf*) sent whenever a Norwegian king succeeded to the throne, and the other corresponds to an explanatory letter sent by the Icelanders expressing their willingness to pay homage under certain conditions.⁵⁸ The classification in *KL* does not account for these two sets of texts which are dated to 1302.

To summarize these different classifications, the following table gives references to the edited texts in *DI* and the names by which these texts are referred to, both in *DI* and *KL*:

Table 1. Classification of the texts according to *DI* and *KL*

Source in <i>DI</i>			Classification	
vol.	no.	pp.	<i>DI</i>	<i>KL</i>
I	152	620–24	<i>Gizurarsáttmáli 1262</i>	<i>Gizurarsáttmáli 1262–1264</i>
IX	1	2–3	<i>Gizurarsáttmáli 1262</i>	<i>Gizurarsáttmáli 1262–1264</i>
X	6	5–6	<i>Gizurarsáttmáli 1262</i>	<i>Gizurarsáttmáli 1262–1264</i>
I	153	635–46	<i>Annar sáttmáli 1263</i>	<i>Gamli sáttmáli 1302</i>
I	156	669–716	<i>Gamli sáttmáli 1264</i>	<i>Gamli sáttmáli 1302</i>
IX	2	3–5	<i>Gamli sáttmáli 1263 or later</i>	<i>Gamli sáttmáli 1302</i>
X	7	7–8	<i>Gamli sáttmáli 1263 or later</i>	<i>Gamli sáttmáli 1302</i>
II	177	334–36	<i>Gamli sáttmáli 1302</i>	(not mentioned)

3–6, 160–62; Gregersen, *L'Islande*, p. 188; *KL*, v, pp. 170–71 and Björn Þorsteinsson, ed., *Helztu sáttmálar, tilskipanir og samþykktir konunga og Íslendinga um réttindi þeirra og stöðu Íslands innan norska og dansk-norska ríkisins 1020–1551* (Reykjavík: Hið íslenska bókmenntafélag, 1972), pp. 4–6. The debate about the date of the agreements will be discussed further in the analysis of their individual clauses.

⁵⁸ Maurer, *Island*, p. 472. It seems to have been Icelandic practice to send a letter of homage to the king on these occasions, such as the letter of 1419 (original document transcribed in *DI*, iv, no. 330, pp. 268–69). The last of these letters was sent to King Erik of Pomerania, in 1431 (copies from the middle of the sixteenth century in *DI*, iv, no. 506, pp. 461–62; *DN*, xx, no. 789, pp. 62–63; Þorsteinsson, *Helztu sáttmálar*, no. 19, pp. 32–33).

Scholars have different views about the division and classification of the texts, because some sets of texts do not differ at all or differ only slightly, depending on the criteria for classification adopted by the scholar. An analysis of the fifteenth-century texts which are believed to represent agreements from 1263–1264 and 1302 will demonstrate that, although these texts can be divided into two groups in terms of some major textual differences, the arrangement and order of their clauses, it is not possible to group the texts in any coherent and chronological way: some of the clauses show anachronisms if the agreements are dated to 1262–1264, and other clauses show anachronisms if they are dated to 1302. I argue that these texts do not represent distinct agreements in terms of the proposed classifications; rather, they reflect an effort to produce a single text, an effort by Icelanders to create a document which conformed to the historical data about the thirteenth-century submission available to them—that is, the saga and annalistic accounts—but also to contemporary aspirations and expectations regarding relations with the Norwegian crown. Through the assessment of the historical contexts of the clauses which have been the subject of debate among scholars, it will be shown that all these texts cannot be assigned to 1262–1264 or 1302 without anachronism. Much of the scholarly discussion concentrates on the difference between texts of the ‘first agreement’, that is, an agreement made in 1262, and subsequent agreements. Since this ‘first agreement’ is only preserved in sixteenth- and seventeenth-century manuscripts, the analysis will also help us to establish the textual relation between these fifteenth-century texts and the later texts.

6 *Documents from 1400 to 1500*

There are twelve extant texts of documents of the submission recorded in ten manuscripts from the fifteenth century, or the very beginning of the sixteenth century (*c.* 1500).⁵⁹

⁵⁹ The dates of the manuscripts as given in *QNP* are adopted throughout this book. When the *QNP* gives a date on the cusp of two centuries (e.g. *c.* 1500), it is assigned to a century according to the date given in *DI*.

Table 2. Documents from 1400 to 1500

Manuscripts	<i>DI</i>		Dates	
		<i>DI</i>		<i>ONP</i>
AM 137 4° 101	I, pp. 635–36	later than 1400		c. 1500
AM 148 4°	I, pp. 636–37	c. 1480		c. 1500
AM 135 4°	I, p. 688	c. 1500		c. 1490
AM 151 4°	I, pp. 678–79	c. 1490		c. 1500
AM 157 b 4°	I, pp. 674–75	c. 1460		c. 1460
AM 168 b 4°	I, pp. 681–82	c. 1490		c. 1475–1500
AM 175 a 4°	I, pp. 670–71	later than 1400		c. 1450
AM 456 12° 41	I, p. 676	c. 1480		c. 1480–1500
GKS 3269 b 4°	I, pp. 671–72	c. 1430		c. 1400–1500 ⁶⁰
AM 136 4°	II, pp. 334–36var	c. 1480		c. 1480–1500
AM 137 4° 3	II, pp. 334–36	c. 1400		c. 1440–1480
AM 456 12° 36	II, pp. 334–36var	c. 1480		c. 1480–1500

To summarize the information in Tables 1 and 2, the texts in manuscripts AM 137 4° 101 and AM 148 4° (the first two manuscripts in Table 2) are classified *Annar sáttmáli 1263* in *DI*, and *Gísurarsáttmáli 1262–1264* in *KL*. AM 136 4°, AM 137 4° 3 and AM 456 12° 36 (the last three manuscripts in Table 2) are classified *Endurnýjan Gamla sáttmála 1302* in *DI* and are not mentioned in *KL*. The remaining seven manuscripts—AM 135 4°, AM 151 4°, AM 157 b 4°, AM 168 b 4°, AM 175 a 4°, AM 456 12° 41 and GKS 3269 b 4°—are classified as *Gamli sáttmáli 1264* in *DI* and as *Gamli sáttmáli 1302* in *KL*. All these texts are transcribed in Appendix 2 and appear there in the order shown in Table 2.

These twelve fifteenth- and early sixteenth-century manuscripts contain mostly, but not exclusively, legal texts of a diverse nature, generally *Jónsbók*, *Kristinn réttir Árna biskups*, church statutes and several pieces of legislation (*réttarbætr*). As well as ‘amendments’ in the codified laws issued by the king, *réttarbætr* could also be pieces of legislation or royal ordinances, the subject of which would not have been mentioned in the codified law, or only slightly or briefly. It is generally among this material, *réttarbætr*, that the documents of the

⁶⁰ *NgL*, iv, p. 408, describes the hand of the agreement as a cursive hand from c. 1500.

submission are found. It seems that these legal manuscripts, or law-books, were not devised to follow a strict chronological order, but rather that the transcribing of texts into them was subject to the availability of copies and, more often, of taste. The manuscripts were not intended to record a fixed body of texts; new material was added at intervals most probably corresponding to successive generations of owners and keepers. For example, at the end of the manuscript GKS 3269 b 4^o (c. 1330–1340), the text of an agreement has been added in a blank column in a hand from c. 1400–1500, and in the manuscript AM 168 b 4^o, which is presently defective, an agreement has been written in a hand from c. 1475–1500, following a text of *Kristinn réttir Árna biskups*, which is written in a hand from c. 1300–1400. In the most eclectic of the twelve manuscripts, AM 135 4^o, an agreement has been written in a hand from c. 1490, following *Jónsbók*, *Kristinn réttir Árna biskups*, several pieces of law and religious material written in hands from c. 1350 and c. 1350–1400; the same hand from c. 1490 which wrote the text of the agreement has also inserted some *réttarbætr* at the beginning of the manuscript. This filling in of the pages of older manuscripts may be partially explained by a desire for completeness; that is, a collector and recorder of legal texts would like to gather together as many pieces of law as possible. But the impulse to use all available space in these manuscripts, even that between and before much older texts, does seem to show that during the fifteenth century the newly-entered texts were seen as being potentially legitimized by using the marginal space and blank space between texts in the older law-books, or even the space created by inserting new pages in them. The texts of the documents of the submission loosely follow the form and language of *réttarbætr*. Discussion of their legal status and formal arrangement will be carried out at the end of this chapter, after the analysis of the individual provisions.

6.1 *Invocatory clause and oath*

All twelve texts analysed here contain an invocatory clause, such as “I nafne foðr og sonar og heilags anda”⁶¹ [In name of the Father, the

⁶¹ All the quoted passages which are taken hereafter to represent the first nine texts in Table 2 are from manuscript AM 175 a 4^o, and all the quoted passages which are taken to represent the last three texts in Table 2 are from AM 136 4^o. All twelve texts mentioned in Table 2 are transcribed in Appendix 2. The text in

Son and the Holy Ghost]. Jón Þorkelsson argues that the texts which contain an invocatory clause were made during the period between 1263 and 1264, and were therefore distinct from those texts made in 1262, but this distinction is unworkable here.⁶² Björn M. Ólsen notes that the formula of the invocatory clause was unfamiliar to Icelandic documents previous to the submission, and had probably been introduced with *Jámsíða*.⁶³

Jón Sigurðsson maintains that the agreements containing an oath were made between Icelanders and the Oddaverjar, and King Hákon Hákonarson and his son Magnús. He dates them to 1263 and argues that it represented a renewal of *Gizurarsáttmáli*.⁶⁴ Manuscripts AM 137 4° and AM 148 4° belong to this group; the text of the oath in these manuscripts reads as follows:

AM 137 4° 101

tíl þess legg ek haund æ helga bok og því skyt ek til guds at ek suer herra hakoni konungi og magnusi konungi lænd og þegna og ævinligan skatt med slikre skipan og maldaga sem nu erum uer æsatter ordner og maldaga bref ut uisar. gud se oss hollr.

To this [end] I place my hand on the holy book and thus I appeal to God [to witness] that I swear [to give] the country and [my] allegiance and [to pay] perpetual *skattr* to their Lord King Hákon and King Magnús according to such order and deeds about which we are now agreed and [which] the letter of the deeds directs. God be gracious to us.

AM 148 4°

eidur

Tíl þess legg eg haund æ helga bok og því skyt eg til gudz at eg suer herra hacone konungi og magnusi konungi laund og þegna og æfuinnligann skatt med slikre skipan og maldaga sem nu erum uier æ sætter uordner og skildaga bref uort uottar. gud sie mier hollur.

Oath: To this [end] I place my hand on the holy book and thus I appeal to God [to witness] that I swear [to give] the country and [my] allegiance and [to pay] perpetual *skattr* to their Lord King Hákon and

AM 175 a 4° is also edited in *DI*, no. 156-A, pp. 670–71, and *NgL*, I, no. 12-A, pp. 460–61 (and is said in that edition to refer to a 1262 agreement) and the text in AM 136 4° 3 is edited in *NgL*, III, no. 62, pp. 145–46, variant “B”. Hereafter, these texts are quoted without reference.

⁶² Þorkelsson and Arnórsson, *Ríkisréttindi Íslands*, p. 161.

⁶³ Ólsen, *Um upphaf*, p. 55.

⁶⁴ *DI*, I, no. 153, pp. 625–46.

King Magnús according to such order and deeds about which we are now agreed and [which] our letter of deeds bears witness to. God be gracious to me.

According to Sigurðsson's classification, the texts which do not have this oath were made in 1264, since Hákon Hákonarson died in December 1263 and therefore his name could not be invoked in the oath after this date. However, all texts mention Lord King Hákon the Crowned in the introductory clause, including the last three texts in Table 2, ascribed to 1302 in *DI*; in these cases, though, it has been argued that this was a reference to King Hákon háleggr Magnússon (ruled 1299–1319). Moreover, manuscripts AM 175 a 4° and GKS 3269 b 4°, which are classified as containing the 1264 agreement, have the Latin words 'et cetera' after the last clause; this might have meant that the oath would follow. AM 151 4° ends with a clause about women who are dishonoured by 'lausir menn' [men without a fixed abode], which is found in the sixteenth-century manuscripts of *Jónsbók*, alongside other *réttarbættir*.⁶⁵ AM 135 4° has "sed libera svo læt ek vera" [Free [me] and so be it] after the last clause, AM 456 12° 36 has "Amen" and AM 456 12° 41 has "Datum", thus indicating that a certain freedom of style was possible. The main support for Sigurðsson's dating of these agreements on the basis of the appended oath is the *Annales regii*, which record for the year 1263 that the Oddaverjar swore to pay tribute to the king.⁶⁶ This evidence, by itself, does not support the textual classification devised by Sigurðsson. It is more likely that taste, memory or availability dictated whether the oath was copied or not.

Jón Jóhannesson suggests that the text of the oath was brought from Norway by Hallvarðr gullskór,⁶⁷ but this is mere speculation. To take oath on 'the book' was prescribed in *Grágás* in a slightly different way: "ek vinn eið að bók" [I swear an oath on the book] and "ek vinn eið að krossi" [I swear an oath on the cross].⁶⁸ However,

⁶⁵ *Jónsbók: Lögbók íslendinga hver samþykkt var á Alþingi árið 1281 og endurnýjuð um miðja 14. öld en fyrst prentuð árið 1578*, ed. by Már Jónsson (Reykjavík: Háskólaútgáfan, 2004), p. 31, 303. *DI*, II, no. 3, pp. 5–11. The transcription of AM 151 4° in Appendix 2 includes this clause.

⁶⁶ See Sections 2 and 3 above.

⁶⁷ Jóhannesson, *Íslendinga saga*, I, p. 337.

⁶⁸ For example, *Grágas*, § 42, p. 76, "ec vin eið at krossi eða at bók" [I swear an oath on the cross or on the book] and § 45, p. 78, "ec vin eið at bok." [I swear an oath on the book]; *Grágas*, § 87, p. 112 "ec vin eið at bók" [I swear an oath on the book].

in *Jámsiða* and *Jónsbók*, the formula shown above—‘til þess legg ek hönd á helga bók ok því skýt ek til guðs’—is found, right at the beginning of the codes, in the oath taken by all who came to the *Alþingi*, and also in the oaths which were to be taken by the *jarl*, the *lendr maðr*, the *logmaðr* and the *bóndi* (though with the words ‘helga dóma’ [relic] in place of ‘helga bók’ [the holy book]).⁶⁹ The manuscript Holm perg 34 4° (c. 1370) has, among other pieces of legislation (*réttarbætr*), an oath to be taken by the *nefudarmaðr* [that is, a man who was appointed as a member of the assembly]. This oath has the wording “sueria hakoni konungi land ok þegna” [swear [to give] King Hákon the country and allegiance], which, being similar to those in the two oaths shown above, prompted Jón Sigurðsson to classify it as being one of the 1302-documents.⁷⁰

6.2 *Introductory clause*

The introductory clause, in which the parties of the agreement are named, has been the subject of much debate. In the first nine manuscripts in Table 2, it starts (with minor variations in spelling and wording) with

uar þetta jætad og samþyckt af ollum almuga æ jslande med lofa take.
Uier biodum uirduligum herra hakone konunge hinum koronada uora
þionustu under þa grein laganna sem samþykt er mille konung domsins
og þegnanna er landit bygia.

This was consented and agreed by acclamation by all the people of Iceland. We offer to the honourable Lord King Hákon the Crowned, our service under that legal provision agreed by the kingdom and the subjects who inhabit the country.

Peter Andreas Munch points out that it is not possible to speak of an agreement involving ‘all people’ of Iceland before the year 1264. The accounts in the sagas and annals, he argues, show that distinct parts of the country submitted themselves to the Norwegian king at different times, and that the submission of the whole country only happened in 1264.⁷¹ By this time, Hákon Hákonarson was dead, and

⁶⁹ The passages are, respectively, found in *NgL*, I, p. 259; IV, p. 187; I, pp. 263–64; IV, pp. 201–03.

⁷⁰ *DI*, VIII, no. 2, pp. 2–3; also in *NgL*, III, p. 146, fn. 6.

⁷¹ Munch, *Det norske folks historie*, IV.1, p. 368. Munch’s arguments refer specifically to the texts of the agreements classified and edited in *NgL*, I, no. 12 A, pp. 460–61 (AM 175 a 4°) and no. 12 B, pp. 461–62 (AM 45 8°); III, no. 62, pp. 145–46 (AM

therefore his name in the very body of the agreement text was anachronistic. Moreover, he maintains, as the account in *Magnúss saga Hákonarsonar* (AM 325 X 4^o, c. 1370) testifies, the Icelanders knew of King Hákon's death, and therefore could not have produced the document in ignorance of the fact.⁷²

Munch also claims that Icelanders did not use the epithet 'hinn kórónaði' [the Crowned] to refer to Hákon Hákonarson, but only to his grandson, Hákon Magnússon.⁷³ This is dismissed by Jón Sigurðsson, who lists several legal texts in which Kings Hákon Hákonarson, Magnús Hákonarson and Hákon Magnússon were all given the epithet 'hinn kórónaði'.⁷⁴ Konrad Maurer, like Munch, has other reasons for believing that the 'Hákon hinn kórónaði' of the texts was a reference to Hákon Magnússon, but both his and Munch's conclusions are based chiefly on their analysis of the other clauses of the agreement.

Furthermore, Björn M. Ólsen argues that the formula 'með lofa taki' [by acclamation] is not found in the laws and writings of Iceland before submission, but was a common Norwegian legislative formula.⁷⁵ Taken individually, this philological consideration may seem inconclusive, but together with the observations made above about the oath and the invocatory clause, it might indicate that these texts were inspired by *Járnsíða* and *Jónsbók*. Finally, some manuscripts contain the detail that the agreement was reached at the *Alþingi*, while others do not mention it. Such a detail may be insignificant; but as the saga narratives show that the agreements were reached at the *Alþingi*, the detail may demonstrate a conscious care to bring the text of the agreements in accordance with the narratives themselves.

The last three texts of Table 2, which in *DI* are dated to 1302,

456 12^o & AM 136 4^o), but his observations can be brought to bear on the general discussion of the classification of these texts. Munch dates the submission of the Oddaverjar and Austfirðingar to 1264.

⁷² *MagHák*, chapter 3, p. 362: "Magnús konungr sat í Björgyn um sumarit. Þetta sumar kom af Íslandi Hallvarðr gullskór. Hann sagði þau tíðendi, at allir Íslendingar höfðu þá vikiz undir hlýðni við Magnús konung; ok þá var spurt andlát Hákonar konungs á Íslandi er hann fór útan". [King Magnús stayed in Björgvin during the summer. That summer, Hallvarðr gullskór came from Iceland. He told them the news that all Icelanders had fallen under obedience to King Magnús; and then [news of] the death of King Hákon was heard in Iceland when he went back].

⁷³ Munch, *Det norske folks historie*, IV.1, p. 368.

⁷⁴ *DI*, I, pp. 629–30.

⁷⁵ Ólsen, *Um upphaf*, p. 55.

have an introductory clause with a slightly different wording and mention the acceptance of the law-book “*sem hinn signadi magnús konungr sendi vt*” [which King Magnús the Blessed issued]. The direct mention of King Magnús’s law-book, that is, *Jónsbók*, shows that these three texts have a *terminus a quo* of 1281. Given that by this time the death of King Hákon Hákonarson would have been well known, it is most likely that Lord King Hákon the Crowned refers to King Hákon hálegr Magnússon. However, the dating of all twelve texts to 1302, based on the evidence of these introductory clauses, has meant that this textual diversity has not been fully examined by scholars, with the exception of Maurer’s suggestion that there were two separate letters.

6.3 *Skattr and þingfararkaup*

This text appears as a ‘first clause’ in the first nine manuscripts:

J fystu grein at uer uilium giallda konunge skatt og þingfararkaup sem logbok uottar og alla þegnaskylldu suo framt sem halldit er uid oss þat mote uar jatat skatínun.

According to the first clause, that we wish to pay *skattr* and *þingfararkaup* to the king as our law-book bears witness, and [to perform] all our duties as subjects, insofar as what was agreed to us in return for *skattr* is maintained.

In the last three texts in Table 2, the clause, with a slightly different wording, specifies that the amount of *skattr* and *þingfararkaup* to be paid is twenty ounces.

According to Munch, another reason for assigning those texts to 1302 is this reference to a law-book. He argues that ‘logbók’ is a reference to *Jónsbók*, the law-book given to the Icelanders by King Magnús Hákonarson,⁷⁶ which, in a section about the obligations of

⁷⁶ Munch, *Det norske folks historie*, iv.1, pp. 368–69. Munch refers to *Jónsbók* as the 1280 law-book, the year of the death of King Magnús Hákonarson. *ABp*, chapters 62–63, pp. 86–97, has a detailed account of how *Jónsbók* was accepted by the *Alþingi* in 1281; *AnnSk*, p. 195, records that the new law-book was brought to Iceland in 1280 and adopted by the Icelanders in 1281. These dates are followed by most scholars; see *Jónsbók: Kong Magnus Hakonssons lovbog for Island vedtaget paa Altinget 1281 og rettarbætr*, ed. by Ólafur Halldórsson (Odense: Odense universitetsforlag, 1970), pp. i–vi; Jóhannesson, *Íslendinga saga*, II, p. 21; *KL*, VII, p. 612; Már Jónsson, ‘Textatengsl nokkurra elstu handrita *Jónsbókar*’, in *Líndela: Sigurður Líndal sjötugur 2. júlí 2001*, ed. by Garðar Gíslason (Reykjavík: Hið íslenska bókmenntafélag, 2001), pp. 373–87 (p. 374).

the king's subjects, explains in detail the payment of *skattr* and *þingfararkauþ* of twenty ounces.⁷⁷ Indeed, the words 'sem lögþók vottar' [as our law-book bears witness] imply that a stipulation about the payment of *skattr* and *þingfararkauþ* was to be found in detail in such a law-book. The existence of this stipulation in *Jónsbók* makes Munch's argument persuasive. Maurer, agreeing with Munch, adds that before submission, Iceland did not have a single, uniform law-book, but a collection of legal texts, *Grágás*, with no legislative authority.⁷⁸ Jón Þorkelsson comments that several sections of the laws were referred to as being written down on a 'skrá' [scroll], and although the word is thought to denote 'skinnrollur' [parchment scroll], it is not impossible that collections of laws were written in 'bækur' [books or volumes], as both manuscripts of *Grágás*, *Konungsbók* and *Staðarhólsbók*, testify. He also notes that there is a reference to 'fornar lögþækur' [ancient law-books] in the manuscript *Staðarhólsbók* of *Grágás* (AM 334 fol., c. 1260–70).⁷⁹ Þorkelsson understands that Maurer's assumptions are based on a different view of the nature of the legal texts of *Grágás*, and warns against the idea that these texts did not have prescriptive authority just because they were composed by private individuals. The nature of the legal texts of *Grágás* is beyond the scope of this study,⁸⁰ but in the absence of more conclusive proof that the texts of *Grágás* did not have prescriptive or legislative power, and could therefore not be referred to as a law-book, this argument shall be set aside.

⁷⁷ *NgL*, iv, p. 204.

⁷⁸ Maurer, *Island*, p. 471.

⁷⁹ Þorkelsson and Arnórsson, *Ríkisréttindi Íslands*, p. 4; *GrgStað*, § 78, p. 101: "Þat er oc af tekitt er ritat var i fornum lögþókum at vm legorð lavnetina quena scyldi fiör Baugs Gard varða" [That which was written in ancient law-books is also abolished—that intercourse with women born illegitimate should [bear a penalty] of lesser outlawry]. Among non-legal manuscripts, the word *lögþók* appears in *Magnúss saga ins góða* as a reference to the laws which King Magnús inn góði ordered to be written; see *MagGóðEirsp*, chapter 17, p. 18: "Eptir þesa aminning skipaðez konungr vel fluttv margir aðrir ok þesa ríðo firi konungi kom þa sua at konungr atti tal við hina vitrvstrv menn ok sœmðo þeir lög sín. Síðan let Magnus konungr rita lögþók þa er enn er i Þrandheimi ok kollut er Grágás" [After this warning [that is, the poem *Bersagli* recited by the poet Sigvatr], the king changed for the better. Many others also repeated this counsel to the king. It then came about that the king had a conversation with the wisest men and they composed their laws. Afterwards, King Magnús had a law-book written which is in Þrandheimr and is called *Grágás*].

⁸⁰ However, see Chapter 2 of this book for a summary discussion of the possible nature of *Grágás*.

However, there are other grounds to support the idea that the words ‘sem lögþók vottar’ in the text of the agreement refer to *Jónsbók*. Maurer points out that there is no mention of *skattr* in *Grágás*, nor is the amount of *þingfararkaup* fixed there.⁸¹ Indeed, *Grágás* could not have—and the extant texts do not have—a stipulation about the payment of *skattr*, that is, about a tribute due to the Norwegian king, since *Grágás* was supposedly being used during the years preceding the submission. Þorkelsson answers that there could be other explanations for the absence, in the now extant text of *Grágás*, of a stipulation about the precise amount of *þingfararkaup* to be paid: people would have known the amount of *þingfararkaup* which was due, or the amount would have been fixed by other district laws, now lost.⁸²

Although the use of the term ‘law-book’ cannot be said to refer exclusively to *Jónsbók*, the stipulation about the *þingfararkaup* and *skattr* does seem to stem from *Jónsbók*. It is not impossible, however, that Icelanders, or at least some of them, were already paying *skattr* to the Norwegian king. As noted above, some texts testify to a decision, made in 1256, by Icelanders from Skagafjörður, Eyjafjörður and most of the *bændr* from the Northern Quarter to pay *skattr* to the king.⁸³

6.4 *Summons to go abroad*

The next clause in the first nine texts in Table 2 stipulates:

J fystu at utan stefningar skyldum uier aunguar hafa utan þeir menn sem dæmder uerda af uorum monnum æ alþinge burt af landenu.

At first, that we shall not accept summonses to go abroad except if [it concerns] men who have been sentenced to be exiled at the *Alþingi*.

As seen in the previous chapter, Icelanders could be called by royal summons (*almennigr*) in the event of war to join the Norwegian armies.⁸⁴ In the texts of the agreement, however, the word used for a summons is ‘útan-stefning’, and in one instance (GKS 3269 b 4°), ‘útan-ferða-stefning’. Jón Sigurðsson maintains that these terms referred

⁸¹ Maurer, *Island*, pp. 471–72. Maurer asserts that the determination of *þingfararkaup* was left to the *goðar* [chieftains] but the texts do not say so explicitly; see *GrágKon*, pp. 43–45 (*Þingskapabáttir*) and pp. 159–60 (*Víglúði*).

⁸² Þorkelsson and Arnórsson, *Ríkisréttindi Íslands*, p. 5.

⁸³ See Section 3 above. For references to the payment of *skattr* in other Norwegian colonies, see footnote 96 below.

⁸⁴ See Chapter 2.

to summonses of the kind that King Hákon Hákonarson and members of the Norwegian clergy used to impose upon Icelanders as punishment.⁸⁵ *Árna saga biskups* and some annals, however, mention ‘útanstefningar’ being imposed upon Icelanders up to the reign of King Hákon Magnússon (1299–1319),⁸⁶ and therefore this clause proves that the texts being analysed should be assigned to 1302.

It could be argued that the clause about ‘útanstefningar’ became a dead letter soon after the agreements were made during 1263 and 1264, although no evidence can be brought forth to support this suggestion. It is worth mentioning that the word ‘útanstefning’ is not used in *Sturlunga saga*, or any other source for the period, nor in legal texts, apart from those instances mentioned above and in the agreements. In those cases, the summonses were imposed during the period 1280–1299. It is possible that these texts referred to a special kind of summons, which was created in response to problems involving church property in Iceland. These problems dominate the relation between the Icelandic and Norwegian Churches during the period and were only partially resolved when Bishop Árni Þorláksson and King Eiríkr Magnússon signed a reconciliation in 1297.⁸⁷

However, even in the last three texts of Table 2, which are dated to 1302, the mention of ‘útanstefningar’ does not throw any light on the nature and function of these summonses. The clause is worded in this way:

Vilivm ver ongvar utan stefningar hafa frammar en logbok vottar þvíat þar hofum ver margfallðan skada af fengit og vid þat þykiumz ver eigi bua mega.

We want to accept no more summonses to go abroad than [what] the law-book bears witness to, because we have suffered much damage and it seems to us that it cannot be put up with.

The text implies that the summonses were regulated in a law-book, but, as noted above, the law-books of post-submission Iceland do not contain provisions about such summonses. On the other hand,

⁸⁵ *DI*, I, p. 631.

⁸⁶ Examples of ‘útanstefningar’ imposed upon Icelanders are found for the years 1297 and 1299 in *AnnLög*, pp. 261–62; an almost identical passage is found in *AnnFlat*, pp. 385–86. *ABp*, chapter 60, pp. 84–85 tells how, in 1280, Eindriði böggull withdrew ‘útanstefningar’ previously imposed upon Icelandic *bændr*.

⁸⁷ *DI*, II, no. 167, pp. 323–25. See also *ABp*, pp. xxxviii–xxxix; Vésteinsson, *The Christianization of Iceland*, p. 132.

it is important to note the disappointed, perhaps angry tone of this passage: it fits neither the formal, legal language of *réttarbættir*, nor in an agreement letter. It is in harmony, however, with the language of these three texts as a whole, since they do resemble letters of complaint allegedly sent to the king which appeared in Iceland during the fifteenth century, as will be discussed in Section 6.6.1 below.

6.5 *Lögmenn and sýslumenn*⁸⁸

The third clause in the first nine documents of Table 2 is concerned with the offices of *lögmaðr* [presiding judge of the Law Council] and *sýslumaðr* [district supervisor], and reads:

Item at jslendzkir se lögmenn og sýslumenn hier a landenu af þeirra ætt sem at fornu hafa godordin upp gefit.

Item, that *lögmenn* and *sýslumenn* here in the country shall be Icelanders from those families who have given up their *godorð* in ancient times.

Both Munch and Maurer argue that the words ‘at fornu’ [in ancient times] are an indubitable indication that these agreements could not have been made in 1263 or 1264, when it would not have been possible to speak of families who had given up their *godorð* ‘in ancient times’.⁸⁹ As Maurer rightly points out, according to the accounts in the sagas, the earliest submissions to the Norwegian king did not occur until 1235, and the other recorded submissions occurred around the years 1263–1264.⁹⁰ In addition, Maurer observes that there were no offices of *sýslumaðr* or *lögmaðr* in Iceland in the years 1263 and 1264. It was only when the law-code *Jámsíða* was introduced in 1271 that the Norwegian term *lögmaðr* replaced the Old Icelandic term *logsogumaðr*. Munch also notes that after the submission, Norwegian *lögmenn* were sent to Iceland until 1301, and that it was only from 1302 that one could speak of Icelanders occupying this post.⁹¹ *Sýslumenn*

⁸⁸ On *sýslumenn*, see Hjálmar Vilhjálmsson, ‘Sýslumenn á Jónsbókartímabilinu 1264–1732’, *Tímarit lögfæðinga*, 15 (1965), 1–44. For a thorough discussion and review of scholarship on the royal offices of *sýslumaðr* and *lögmaðr*, see Axel Kristinsson, ‘Embættismenn konungs fyrir 1400’, *Saga*, 36 (1998), 113–52, and the references given there.

⁸⁹ Munch, *Det norske folks historie*, iv.1, p. 369; Maurer, *Island*, p. 472.

⁹⁰ Maurer, *Island*, p. 472.

⁹¹ Maurer, *Island*, p. 472; Munch, *Det norske folks historie*, iv.1, p. 369; see also Sigfússon, ‘Gamli sáttmáli endursvarinn’, p. 129.

were mentioned for the first time in *Jónsbók* (c. 1281) and it seems that the post was first occupied by Icelanders, who were replaced by Norwegians only towards the end of the thirteenth century.⁹²

In response to these arguments, Jón Þorkelsson alleges that the words ‘at fornu’ should not be taken to mean ‘ómunu fornöld’ [the immemorial past], but only ‘fyrrum’ [the recent past].⁹³ He also claims that *logmaðr* of the agreements was not a reference to the office of *logsögumaðr*, but to an office which had newly been taken up by Hallvarðr gullskór and then adopted by the new government.⁹⁴ Jón Sigurðsson explains that when these agreements were made in 1263 and 1264, it was hoped that they would last for many years, throughout the reigns of many different kings, and therefore that the words ‘at fornu’ were included to make sure that the offices were given to the families which had the *goðorð* in the ancient past. Sigurðsson also rejects Munch and Maurer’s semantic concerns, and affirms that it is necessary, in this particular case, to look into the spirit of the clause. He considers that it was only natural that the chieftains who had controlled the country before the submission wanted to keep their power in the new regime. It would be strange, he concludes, if the clause were not in the agreement.⁹⁵

Munch and Maurer’s arguments are quite persuasive and firmly based on the extant legal sources. Although it is not impossible that the offices of *logmaðr* and *sýslumaðr* were introduced in Iceland towards the end of the thirteenth century,⁹⁶ the extant sources argue against

⁹² In *Jónsbók*, the term *sýslumaðr* appears along with *valdðsmaðr*, an official of the king in Iceland. Only the latter is found in *Jámsiða*. See Vilhjálmsson, ‘Sýslumenn’, p. 3.

⁹³ Þorkelsson and Arnorsson, *Ríkisréttindi Íslands*, p. 5.

⁹⁴ Þorkelsson and Arnorsson, *Ríkisréttindi Íslands*, p. 5. For references to Hallvarðr gullskór, see Section 3 above.

⁹⁵ In *DI*, I, p. 632, Sigurðsson also maintains that the text (in *DI*, II, no. 177, pp. 333–36) which he dates to 1302 shows that the clause was part of agreements from 1263–1264. He interprets one of the clauses in this text as a reference to a previous agreement between the king and the Icelanders. This clause is given and translated in Section 6.6.1 below. If this text can indeed be dated to 1302, however, what can be deduced from it is that Icelanders claimed that their right to be appointed as *logmenn* and *sýslumenn* originated in the past, but it is impossible to determine when this right was first agreed.

⁹⁶ It is reasonable to consider, for instance, the situation of other tributary lands of Norway. D. Gareth E. Williams, ‘Land Assessment and Military Organisation in the Norse Settlements in Scotland c. 900–1266 AD’ (unpublished doctoral thesis, University of St Andrews, 1996) argues that ‘from 1194 it is likely that royal *sýslumenn* gathered taxes in Orkney on a regular basis, and it is also possible that Man

the existence of the offices in Iceland as early as 1263–1264. Moreover, it is only through an exercise of stretching their semantic meaning that the words ‘at fornu’ can assume a different meaning, and it is most probable that such a clause could not have been included in agreements made in 1263 and 1264.

Notwithstanding, dating the clause to 1302 does not solve all the problems it presents, as the expression ‘at fornu’ would be as misplaced in 1302 as it would in 1263–1264. It is unlikely that Icelanders living in 1302 would refer to the previous generation as living in ‘ancient times’. The last three documents in Table 2 do not mention families who gave up their *goðorð* in ‘ancient times’, and therefore are not anachronistic in this specific respect. However, for both groups of texts, it remains a problem that no mention of the nationality of *logmenn*, *sýslumenn*, or any other royal representatives in Iceland was included in *Járnsiða* and *Jónsbók*, nor in any of the surviving *réttarbættir*. Moreover, Axel Kristinsson notes that it is precisely towards the end of the thirteenth century and the beginning of the fourteenth that some Icelandic annals mention that Norwegians were nominated as *sýslumenn*,⁹⁷ information which clashes directly with the contents of the clause. Aage Gregersen speculates whether the nationality of these functionaries was decided only after the debate between Icelanders and the king’s envoy, Loðinn leppr, on the occasion of the introduction of *Jónsbók*.⁹⁸ These events are described in *Árna saga biskups*, and they show how, at first, Icelanders resisted the new law. The narrative includes a list of the sections of the law which Icelanders were reluctant to accept, but no reference is made to the nationality of those functionaries.⁹⁹ In addition, if such a decision had ever been reached, one would expect to find prescriptions about it in the subsequent *réttarbættir*; however, that is not the case. Manuscript AM 456 4^o includes the office of *hirðstjóri* [director or leader of the king’s court] which is not mentioned in sources until 1320, among the ones analysed above.¹⁰⁰ This variation does not appear in other manuscripts.

may have been directly taxed for brief periods during the 13th century” (p. 233). See also Arne Odd Johnsen, ‘The payments from the Hebrides and the Isle of Man to the Crown of Norway 1153–1263: Annual Ferme or Feudal Casualty?’, *Scottish Historical Review*, 48 (1969), 18–34.

⁹⁷ Kristinsson, ‘Embættismenn konungs fyrir 1400’, p. 119.

⁹⁸ Gregersen, *L’Islande*, p. 165.

⁹⁹ *ABþ*, chapters 62–63, pp. 86–97.

¹⁰⁰ Kristinsson, ‘Embættismenn konungs fyrir 1400’, p. 134.

It might perhaps reflect a personal desire for more Icelandic participation in the administration of the country on the part of the copyist. It also warns us that these texts are more than a straightforward attempt to record the past; they also testify to the expectations of particular people at a certain time. Throughout the fifteenth century, when most of the manuscripts of the submission documents were written, conflicts between royal representatives and Icelanders were not rare. With the Union of Kalmar, which saw the union of Denmark, Sweden and Norway, radical reforms were made in the bureaucratic body of the government with the objective of creating a strong centralized monarchy.¹⁰¹ These reforms provoked clashes between the crown and the powerful classes: in Iceland, these clashes manifested themselves in conflicts with royal officers. Hannis Pálsson, the king's representative sent to Iceland to restrain the trade between Icelanders and the English, ended up being kidnapped by English merchants in 1425. A measure of his unpopularity—and of the crown's policy—is reflected in the commentary entered in the annals about this event:

voru þeir fangadir j Vestmanna eyium Balthasar herra Hannis oc voru fluttir til Einglandz. hormudv þat fair.¹⁰²

Balthasar and Sir Hannis were captured in the Vestmannaeyjar [the Westman Islands] and were carried to England. Few regretted it.

In the following section, it will be shown how historical circumstances could have influenced, and perhaps even propelled, the writing of these agreements.

6.6 *Sea-going ships*

The next clause in the documents is the most controversial, and the most important, because one reading of it has promoted the idea that Icelandic trade was in a poor and dependent state at the time of the submission—and poverty and political fragility have traditionally

¹⁰¹ Thomas Kingston Derry, *A History of Scandinavia: Norway, Sweden, Denmark, Finland and Iceland* (London: Allen & Unwin, 1979), pp. 73–85, Aksel E. Christensen, *Kalmarunionen og nordisk politik 1319–1439* (Copenhagen: Gyldendal, 1980), pp. 118–29, 131–63. On the Union of Kalmar, see Vivian Eting, *Queen Margrete I (1353–1412) and the Founding of the Nordic Union*, Northern World, 9 (Leiden: Brill, 2004).

¹⁰² *AnnL*, p. 294.

been invoked as the reasons for the Icelandic submission to the Norwegian king.

In the first nine texts of Table 2, with the exception of the text in manuscript AM 151 4°, it reads:

Jtem at sex hafskip gangi til landzins æ huæriu are forfallalaust.

Item, that six sea-going ships are to come to the country every year, except in case of impediment.

The clause has received different interpretations. Gunnar Karlsson understands the clause at face value, and remarks that it stipulated ‘that the king should ensure the sailing of six ships to Iceland annually’.¹⁰³ Jón Jóhannesson asserts that the clause served as a restraint to the controlling power of the Norwegian king over Norwegian-Icelandic trade, especially with respect to the Norwegian king’s imposition of bans on sailing to and from Iceland.¹⁰⁴ Björn Þorsteinsson argues that rather than preventing those bans, the clause aimed to guarantee a minimum of sailings between the two countries and, in this way, to create an export market for the Icelandic chieftains’ goods.¹⁰⁵ Björn M. Ólsen understands the clause as the imposition of monopolistic regulations over the Icelandic trade, which, he argues, was engendered by King Magnús Hákonarson.¹⁰⁶ Bruce Gelsinger argues that the clause reflects the political and economic unrest in Iceland and its inclusion in the submission agreements was the only way Icelanders could secure themselves.¹⁰⁷ Gelsinger also claims that a rise in population, “which might have started soon after 1000”, led to “a great differentiation between a few rich and numerous poor” during the last half of the thirteenth century.¹⁰⁸ However, his theory is highly speculative and relies on concepts of ‘profit’, ‘surplus’, ‘annual interest’, and ‘social classes’ which can only be applied to the eleventh- to thirteenth-century Icelandic economy with much caution.¹⁰⁹

¹⁰³ Karlsson, *Iceland’s 1100 Years*, p. 50.

¹⁰⁴ Jóhannesson, *Íslendinga saga*, I, pp. 335–36.

¹⁰⁵ Björn Þorsteinsson, ‘Þættir úr verzlunarsögu: nokkur atriði úr norskri verzlunarsögu fyrir 1350’, *Saga*, 4 (1964), 3–52 (pp. 26, 37, 45).

¹⁰⁶ Ólsen, *Um upphaf*, pp. 37–41.

¹⁰⁷ Bruce E. Gelsinger, *Icelandic Enterprise: Commerce and Economy in the Middle Ages* (Columbia, S.C.: University of South Carolina Press, 1981), pp. 178–79.

¹⁰⁸ Gelsinger, *Icelandic Enterprise*, p. 161.

¹⁰⁹ See Gelsinger, *Icelandic Enterprise*, pp. 159–61.

Fundamental to these interpretations is the conviction that at the time when the agreements were supposedly made, between the years 1261 and 1264, Icelandic trade suffered a shortage of ships and was therefore entirely dependent on Norwegian trade. This interpretation evolved from the work of Bogi Th. Melsteð,¹¹⁰ and from fifteenth-century Icelandic documents which linked the six-ships clause to the country's poverty. Melsteð's study of Icelandic travel in the thirteenth century lies at the heart of the assumption about the precarious state of Icelandic trade. Melsteð painstakingly lists accounts of travels to and from Iceland gathered from sagas and annals, dividing the period these narratives cover into three: *Söguöld* (930–1030), *Friðar- og rit-öld* (1030–1200) and *Sturlungaöld* (1200–1264).¹¹¹ In the first period, the settlers of Iceland had enough ships to go abroad at their will. In the course of the second period, a great change occurred; Melsteð estimates that although about 190 Icelanders went abroad during this period, only nineteen of them owned their ships, but counting the ships owned in partnerships and those Icelanders said to own two ships, the number of Icelandic merchant ships (*kaupskip*) was approximately twenty-five.¹¹² He then calculates that during the third period, only one Icelandic (or possibly three) owned a ship.¹¹³ Melsteð's argument is based on the assumption that, if the Icelanders quoted in these sources had owned ships, the sources would have documented this. He concedes that the sagas could simply have been silent about the ownership of sea-going vessels, and that it would not have been impossible that more Icelanders owned ships. A document from 1224, issued by the English king, Henry III, regulating the arrival, in the port of Yarmouth, of ships loaded with Icelandic goods, as well as fishing boats, indicates that those ships could have been from Iceland. The part of this text concerning Iceland says:

¹¹⁰ Bogi Th. Melsteð, 'Ferðir, siglingar og samgöngur milli Íslands og annara landa á dögum þjóðveldisins', *Safn til sögu Íslands og íslenskra bókmenta*, 4 (1907–15), 585–910.

¹¹¹ Melsteð, 'Ferðir', p. 604.

¹¹² Melsteð, 'Ferðir', p. 838.

¹¹³ Melsteð, 'Ferðir', pp. 844–47. These ship owners were Snorri Sturluson, and possibly Arnórr Tómasson and Kolbeinn ungi Arnórsson. Hallvard Magerøy, *Soga om austmenn: nordmenn som siglde til Island og Grønland i mellomalderen*, Hist.-Filos. Klasse Skrifter ny serie, 19 (Oslo: Det norske samlaget, 1993), pp. 77–79, also details travels to and from Iceland during the period 1200–1264; he concludes that only two Icelanders owned ships, Snorri Sturluson and Þórleifr Þórðarson í Gørðum (p. 79).

Mandamus vobis quod omnes naves venientes in portu Gernemutensi cum mercandis de Scottia et Norwegia et Islandia et Frislandia et de Colonia et de terra Regis Dacie et de partibus illis orientalibus sine impedimento abire permittatis et similiter naves piscatorias de quacumque terra sint.¹¹⁴

We order you that you permit to leave without impediment all the boats which arrive in the port of Yarmouth with the merchandises coming from Ireland, Norway, Iceland, Friesland, Cologne, the country of the king of Dacia and from those oriental lands; and similarly [we order that you permit to leave without impediment] the fishing boats coming from whatever land.

In the light of this evidence, Melsteð wonders whether Icelandic ships had gone to Yarmouth so often as to justify the exception for Iceland made by the king; though the suggestion is not impossible, he argues, one should also consider the possibility that Norwegian merchants went to England directly from Iceland.¹¹⁵ Melsteð also notes that the contemporary sources record several mercantile activities. Most, though not all, involved Norwegian merchants; Icelanders also took part in such activities.¹¹⁶ In addition, they show that many of the king's men were sent to Iceland on errands of different kinds. Evidence external to these sources registers trading activities involving Iceland, Norway and England: several documents record that King Hákon Hákonarson sent falcons and gyrfalcons from Iceland to the English king, Henry III.¹¹⁷ Melsteð concedes that these activities, though unrecorded by

¹¹⁴ *DI*, I, no. 121, pp. 481–82 (and also in *DN*, xix, nr. 163, p. 123).

¹¹⁵ Melsteð, 'Ferðir', pp. 846–47.

¹¹⁶ Melsteð, 'Ferðir', pp. 867–77.

¹¹⁷ The letters can be found in *DN*, xix, no. 153, pp. 117–18; no. 167, p. 125. The following documents, issued by English authorities, do not report where the birds come from, but only mention that birds were sent by the Norwegian king: *DN*, xix, no. 192, p. 137; no. 198, p. 139; no. 202, p. 141; no. 203, pp. 141–42; no. 207, p. 143; no. 212, p. 145; no. 237, p. 158; no. 246, p. 161. The trade in luxury articles such as falcons and polar bears is discussed by Helgi Guðmundsson, *Um haf innan: Vestrenir menn og íslensk menning á miðöldum* (Reykjavík: Háskólaútgáfan, 1997), who elaborates a theory that these articles came from Greenland and were sent to the British Isles through Breiðafjörður in Iceland. This theory is discussed in Guðmundur J. Guðmundsson, 'Grænland og umheimurinn: norrænir menn á Grænlandi og samskipti þeirra við umheiminn fram til 1400', *Skímir*, 178 (2004), 59–82. However, Helgi Guðmundsson's theory is not based on the sources and, as Gísli Sigurðsson points out in his review of the book in *Alvissmál*, 9 (1999), 109–11, "one of the most fundamentally false preconceptions in *Um haf innan* is that the people who lived in Iceland in the twelfth and thirteenth centuries could not know anything about the past because of the lack of written documents from that past" (p. 110).

the Icelandic sources, occurred so frequently that it is possible that trade between Iceland and the Norwegian king might have been more widespread than the reading of the sagas would suggest.¹¹⁸ This also shows the fragility the argument *ex silentio*, when applied to the ownership of sea-going vessels. Finally, Melsteð shows that the contemporary sources depict Icelanders as having great mobility to go to and from the country. A year-by-year list of travels abroad drawn from these sources shows that many Icelanders left the country during the period 1205–1261, and Melsteð also considers those who went abroad but were not famous enough to be mentioned in these sources, before concluding that many Icelandic men were on board ships during this period.¹¹⁹ Melsteð's method must be regarded with circumspection. Although he touches on methodological problems, such as the abundance of sources about the *Friðaröld* period in comparison to the scarcity of sources about the other periods, as well as considerations of style and the thematic emphasis of these sources,¹²⁰ he does not discuss how they affect his conclusions. As a consequence, the relativity of the quantitative data which his sources present is never assessed.¹²¹

More recently, Helgi Þorláksson has warned against counting ships through a year-by-year list of the travels found in the sagas, and argues that the sources do not prove that Icelandic shipping trade deteriorated during the thirteenth century.¹²² However, Melsteð's arguments were taken as being absolutely true by more than a generation of scholars whose works are very influential in, if not determinant of, the current view about Icelandic trade and especially about the economic condition of Iceland during the period of the submission. The works of Bruce E. Gelsinger, Björn Þorsteinsson, Jón Jóhannesson and Gunnar Karlsson, for example, make use of Melsteð's premises about the vulnerability and precariousness of Icelandic trade at the time of the submission. As Gelsinger argues:

¹¹⁸ Melsteð, 'Ferðir', p. 874.

¹¹⁹ Melsteð, 'Ferðir', p. 867.

¹²⁰ See, for instance, Melsteð, 'Ferðir', pp. 838–39 and 846–47.

¹²¹ For instance, literary conventions can be responsible for the inclusion and exclusion of certain narrative details, such as the ownership of vessels. Not surprisingly, Snorri Sturluson, depicted as the most powerful chieftain of Iceland, is said to be given a ship and other precious gifts by *jarl* Skúli Bárðarson (*Stu*, I, p. 340).

¹²² Helgi Þorláksson, *Vaðmál og verðlag: Vaðmál í utanlandsviðskiptum og búskap Íslendinga á 13. og 14. öld* (Reykjavík: Fjölföldun Sigurjóns, 1991), pp. 3–9 (p. 9).

One of the main reasons Icelanders had allowed the union of their country with Norway between 1262 and 1264 was that they had been promised by the king that he would be responsible for sending six ships laden with necessities every year to Iceland, a promise that was confirmed by subsequent agreements. Icelanders thought they could rest assured that they would not suffer the deprivation they had experienced during the earlier part of the century.¹²³

This view is informed by Melsteð's deductions about Icelandic trade in the thirteenth century: Gelsinger states that "one difficulty was their [Icelanders'] lack of ocean-going ships—only two Icelanders are known to have owned ships between about 1200 and 1264".¹²⁴ Melsteð's consideration about the possibility of Icelandic ships going to England is simply ignored.

Jón Jóhannesson claims that, during the period of the submission, Icelanders were dependent on the Norwegians for all transport of goods because of a shortage of ships; he understands the six-ships clause as an indication that the king gave up his right to impose a ban on the transport of goods, but, more precisely, that he assumed the obligation of providing Icelanders with an ample supply of goods.¹²⁵ Accordingly, the Icelanders, by placing the control over trade in the king's hands, put themselves at the mercy of the Norwegian crown. Björn Þorsteinsson also accepts the theory about the shortage of Icelandic ships; he claims that the last ship mentioned in the sources before the submission "siglir Snorri Sturluson hingað frá Noregi 1220" [sailed Snorri Sturluson from Norway to Iceland in 1220], and that a little later, Icelanders could only own or rent part of ships in partnership with Norwegians.¹²⁶ He admits, however, that the six sea-going ships of the clause would not have been enough to carry everything that the thirteenth-century Icelandic population needed, and concludes that Icelanders could not have been entirely dependent on Norway for the supply of foods.¹²⁷ He argues that by the time of the submission, the Icelandic chieftains needed an export market for their surplus, and that these six ships from Norway provided it. He concedes that the sources do not show that thirteenth-century Icelandic trade was worse than before.¹²⁸

¹²³ Gelsinger, *Icelandic Enterprise*, pp. 189–90.

¹²⁴ Gelsinger, *Icelandic Enterprise*, p. 176.

¹²⁵ Jóhannesson, *Íslendinga saga*, I, pp. 335–36.

¹²⁶ Þorsteinsson, 'Þættir úr verzlunarsögu', p. 35.

¹²⁷ Þorsteinsson, 'Þættir úr verzlunarsögu', pp. 26, 37–38, 44–45, 50. Compare Karlsson, *Iceland's 1100 Years*, p. 50.

¹²⁸ Þorsteinsson, 'Þættir úr verzlunarsögu', p. 37.

The theory about the dependent state of Icelandic trade was readily embraced by Icelandic scholars who saw the Icelandic submission to the Norwegian king as the lamentable collapse of a free, independent Iceland. Björn M. Ólsen, for instance, makes the conjecture that Icelanders accepted the six-ships clause because the king had threatened to impose a ban on sailings to Iceland. Under such a threat, Icelanders were accepting the lesser of two evils; the submission, he argues, was nonetheless regrettable.¹²⁹ In addition, evidence which should have been taken with more reservations was readily accepted, as was the case with the entry for 1273 in the seventeenth-century *Henrik Høyers Annaler* (c. 1600–1625), which says, “Magnus konungur iattaði Islendingum at eiga í haf skipum”¹³⁰ [King Magnús consented to Icelanders having a share in sea-going ships]. This seems to relate to the successive measures taken by the Norwegian crown in order to control foreign trade in the kingdom, such as the prohibition of forming partnerships to trade in Iceland imposed by Hákon Magnússon, as is discussed below.¹³¹ Moreover, had the king forbidden the Icelanders to own sea-going vessels, one would have expected to find such information in the fourteenth-century annals and sagas, as well as in the law-book of 1271; however, this is not the case. These views, informed by an anti-monarchic bias, reflected the anxieties and tensions of mid-nineteenth- and twentieth-century Iceland, although Arngrímur Jónsson in the seventeenth century had already interpreted the submission in a similar way.¹³² As will be seen at the end of this chapter, the interpretation of these agreements was driven by the objectives of Icelandic legal scholars of the nineteenth and twentieth centuries, rather than by an assessment of how significant they were for the mediaeval Icelandic.

A crucial question is whether Icelandic trade really was in such a poor and dependent state during the thirteenth century. Helgi Þorláksson, in a monograph about the production of, and trade in wadmal in Iceland during the thirteenth and fourteenth centuries, argues that it was not in such a state; he concludes that “ályktanir um versnandi viðskiptakjör séu ekki nægilega vel studdar rökum”¹³³

¹²⁹ Ólsen, *Um upphaf*, pp. 37–38.

¹³⁰ *AnnH*, p. 68; Ólsen, *Um upphaf*, p. 40; Þorsteinsson, ‘Þættir úr verzlunarsögu’, p. 38.

¹³¹ See the beginning of Section 6.6.1, footnote 139 below.

¹³² See footnote 27 above.

¹³³ Þorláksson, *Vaðmál og verðlag*, pp. 3–9 (p. 9).

[inferences about deteriorating trade conditions are not sufficiently well-grounded]. Konrad Maurer also doubts that thirteenth-century Icelandic trade was in decline.¹³⁴ He points out that this theory is not supported by the sources and that it emerged from misinterpretation of the submission agreements, especially of the six-ships clause. The sources show that during the last decades of the thirteenth century and the beginning of the fourteenth century there was a shortage neither of ships going to and from Iceland, nor of Icelanders involved in trade or trade partnerships.¹³⁵ Moreover, the sources do not mention a decline or a sudden change in trading after the submission; the king did not impose a royal monopoly over Icelandic trade, a situation which only changed in the fourteenth century.¹³⁶ Maurer insists that the six-ships clause did not mean that the king was responsible for sending six ships to Iceland annually. Instead, the clause simply meant that the king renounced his power of declaring embargos which would affect Icelandic trade; if an embargo was nevertheless declared, the king guaranteed that a minimum of six ships would sail to Iceland annually. The clause therefore shows that Icelanders were concerned with the continuity and practicality of their trade. Indeed, he argues, the abolition of the land dues (*landaurar*), also included in the agreements, proves that Icelanders were seeking the best conditions for their trade.¹³⁷

The most important point, for the purpose of my analysis, is that Maurer is determined to understand why, in the light of so much contrary evidence, the clause is interpreted as the result of the impoverishment of the country and its trade. He then looks into fifteenth-century documents and suggests that Icelanders—involved in a row over trade with the Norwegian crown—interpreted the six-ships clause in such a way. Maurer suggests that this interpretation was born out of necessity, at a time when Iceland was struggling to survive royal

¹³⁴ Konrad Maurer, 'Kaflar úr verzlunarsögu Íslands', *Ný fêlagsrit*, 22 (1862), 100–35.

¹³⁵ Maurer, 'Kaflar', pp. 104–08.

¹³⁶ Maurer, 'Kaflar', pp. 114–15. The Norwegian policy of royal monopoly over Icelandic trade in the fourteenth century is discussed below.

¹³⁷ Maurer, 'Kaflar', p. 114. Maurer also dismisses the hypothesis that the six ships mentioned in the clause were bringing royal gifts to the Icelandic people. He observes that although some diplomatic letters mention the fact that the six ships were not sent to Iceland in some occasions, no mention was ever made about these supposed gifts (p. 110).

monopolies and trading prohibitions. Before proceeding to this analysis, I shall present a brief account of the situation of Icelandic trade during the fifteenth century, when the documents mentioned by Maurer were first written.

6.6.1 *Icelandic trade in the fourteenth and fifteenth centuries*¹³⁸

At the beginning of the fourteenth century, Norway tried to impose a monopoly over Icelandic trade. Around 1300, King Hákon Magnússon prohibited foreign merchants from forming partnerships to trade in Iceland,¹³⁹ thus indicating that the volume of trade with Iceland was such as to awaken the Norwegian crown's desire to monopolize it. Although it is generally thought that those regulations were aimed against German merchants,¹⁴⁰ there is no evidence that they were exclusively so. *Lögmanns annáll* recorded the presence of English ships in Iceland in 1412.¹⁴¹ This has led scholars to assume

¹³⁸ For the history of Hanseatic and English involvement in Norwegian and Icelandic trade, see John Allene Gade, 'The Hanseatic Control of Norwegian Commerce during the Late Middle Ages' (unpublished doctoral dissertation, Columbia University, 1950); Björn Þorsteinsson, *Enska öldin í sögu Íslendinga* (Reykjavík: Mál og menning, 1970) and 'Island', in *Det nordiske syn på forbindelsen mellem Hansestæderne og Norden: Det Nordiske Historikermøde i Århus 7.-9. august 1957*, ed. by Vagn Dybdahl (Århus: Jysk Selskab for Historie, 1957; repr. 1972), pp. 165-95; Arnved Nedkvitne, 'How Important Was Hanse Trade for the Norwegian Economy?', in *Norwegen und die Hanse: Wirtschaftliche und kulturelle Aspekte im europäischen Vergleich*, ed. by Volker Henn and Arnved Nedkvitne, *Beiträge zur schleswig-holsteinischen und skandinavischen Geschichte*, 11 (Frankfurt a.M.: Lang, 1994), pp. 9-18; Alexander Bugge, *Studier over de norske byers selvstyre og handel før Hanseaternes tid* (Oslo: Grøndahl, 1899), pp. 134-94; (*cum grano salis*) Eleanora M. Carus-Wilson, 'The Iceland Trade', in *Studies in English Trade in the Fifteenth Century*, ed. by Eileen Power and M. M. Postan, *Studies in Economic and Social History*, 5 (London: Routledge, 1933), pp. 155-82; Philippe Dollinger, *La Hanse XII^e-XVII^e siècles* (Paris: Aubier, 1964); Ahasver von Brandt, 'Die Hanse und die nordischen Mächte im Mittelalter' and 'Der Anteil des nordens and der deutschen Geschichte im Spätmittelalter', in *Lübeck, Hanse, Nordeuropa: Gedächtnisschrift für Ahasver von Brandt*, ed. by Klaus Friedland and Rolf Sprandel (Cologne: Böhlau, 1979), pp. 13-36 and 37-52; T. H. Lloyd, *England and the German Hanse 1157-1611: A Study of their Trade and Commercial Diplomacy* (Cambridge: Cambridge University Press, 1991).

¹³⁹ *NgL*, III, no. 55, pp. 134-35; the passage about Iceland reads: "engen utlenskr maðr skall flytia sitt goðz æða sænda norðr vm Berghvinn æða j annars staðar till saulu j herað æða gera fælagh till Islandz æða annara skattlanda mins herra konungsens" (p. 134) [no foreign man shall carry or dispatch his goods north beyond Björgvin or elsewhere for sale in the country, or form a partnership to [go to] Iceland or other tributary lands of my lord [the] king]. See also Bugge, *Studier over de norske byers*, p. 133.

¹⁴⁰ Björn Þorsteinsson, 'Island', p. 169; Gade, 'The Hanseatic Control', p. 35.

¹⁴¹ *AnnaL*, p. 290.

that this was the first time an English ship had been to Iceland, and thus to exclude English merchants from those sailing to Iceland by the end of the fourteenth century.¹⁴² In 1392, however, the *Lögmanns annáll* recorded that it had been a bad year for ships sailing to Iceland: there were many shipwrecks and periods of becalming for German, English and Norwegian ships.¹⁴³ The inclusion of the English may indicate that they were already sailing to Iceland by this time. This shows the danger of reading the annals without the contextual information that explains why some events and not others are included. The first mention of an event need not represent the first occurrence of that event. It is therefore possible that English merchants may also have been involved to some extent in the trading which Hákon Magnússon's law was intended to regulate.

This monopoly policy was an attempt to salvage Norway's naval power, which was in decline after 1300. I use the term 'policy' for the sake of simplicity and brevity. In fact, the Norwegian crown did not—and could not—adopt a definite, unambiguous policy against foreign trade in its kingdom. Contradictory laws were issued one after the other, guided by political pressures from the Hanse and England. It is not surprising that Norway's attempt to curb foreign trade in Iceland failed, as will be seen below. The Hanseatic towns were forcing themselves upon Norwegian trade, and were driving away English merchants in Norway.¹⁴⁴ Throughout the fourteenth century, relations between the Hanse and Norway were troubled, but despite many conflicts, the presence of the Hanse in Norwegian trade only increased.¹⁴⁵ Towards the end of the century, Hanseatic merchants had many trading privileges in Norway, and the Hanse

¹⁴² Þorsteinsson, *Enska öldin*, pp. 31–38, Magerøy, *Soga om austmenn*, pp. 152–54, 228 and Karlsson, *Iceland's 1100 Years*, p. 118.

¹⁴³ *AnnL*, p. 285: “ofara aar mikít j skipbrotum ok byrleysum bædi með þyskum enskum ok norrænum” [a very disastrous year with shipwrecks and periods of becalming for Germans, Englishmen and Norwegians]. It must be noted that from the year 1393 onwards, the *Lögmanns annáll* comes from a fifteenth- or sixteenth-century manuscript (AM 420 c 4^o), but the fourteenth-century manuscript of the *Lögmanns annáll* (AM 420 b 4^o) ends at the year 1392.

¹⁴⁴ Gade, ‘The Hanseatic Control’, pp. 50–51. Troubles involving German merchants in Norway were recorded as early as the twelfth century, during the reign, 1177–1202, of King Sverrir Sigurðarsson (*Sv*, chapter 104, pp. 110–11; *SvEirsp*, chapter 94, pp. 352–54). See also, Karlsson, *Iceland's 1100 Years*, pp. 123–27.

¹⁴⁵ See Dollinger, *La Hanse*, pp. 293–301 and 384–86; Lloyd, *England*, pp. 53–54; Gade, ‘The Hanseatic Control’, pp. 28–54; *DN*, v, no. 10, pp. 10–12; no. 13, pp. 13–14; nos 23–28, pp. 22–30; xix, no. 316, pp. 221–22.

came to dominate Norwegian trade.¹⁴⁶ English merchants, driven away from Bergen by the Hanseatics, turned to Iceland and intensified their direct trade with the country, despite the Norwegian crown's prohibitions and the Hanse's opposition.¹⁴⁷

In 1413, the *Lögmanns annáll* recorded that the Dano-Swedish-Norwegian king, Erik of Pomerania,¹⁴⁸ forbade all sort of trade between Icelanders and foreigners who were not customary trading partners.¹⁴⁹ This measure was ineffective, as in 1415 the king sent emissaries to England in order to discuss the illegal activities of the English in Iceland and nearby islands. In the same year, it was established that English fishing boats and merchant ships wishing to go to Iceland (and other islands of the Norwegian kingdom) should obtain a special licence to this end and would have to pass through Bergen before and after going to these other islands.¹⁵⁰ The English king, Henry V, also issued a ban on sailings to Iceland which were not customary.¹⁵¹ In England, these measures were received with dismay: a petition sent to the English parliament claims that the bans on sailings to Iceland would bring great damage and disturbance.¹⁵²

No matter how unpopular these measures were, they too were ineffective. About this time, in 1419, the Icelanders explained, in a letter of homage sent to King Erik, their reasons for trading with foreigners despite the prohibitions. This is the oldest extant document, among many from the fifteenth century, in which a stipulation about six ships going yearly to Iceland is invoked. In the surviving original letter, the Icelanders first salute the king and express their

¹⁴⁶ *Ngl*, III, nos 91–94, pp. 179–83; *DI*, III, no. 150, pp. 178–79. Gade, 'Hanseatic Control', p. 88, says that by the year 1400, there were 3,000 Germans in Bergen, a town of 14,000 inhabitants.

¹⁴⁷ Þorsteinsson, 'Island', pp. 169–75 and *Enska öldin*, pp. 31–57 (pp. 36–37); Carus-Wilson, 'The Iceland Trade', pp. 161–77.

¹⁴⁸ Derry, *A History of Scandinavia*, pp. 71–73. The Dano-Norwegian union started in 1386 with the regency of Queen Margaret; Sweden joined the union in 1389; the personal union was proclaimed in Kalmar in 1397. Queen Margaret was the regent of her grand-nephew, Erik of Pomerania, who was proclaimed king in 1389, but only succeeded to the throne in 1412.

¹⁴⁹ "Þar kom oc ut j kong Eireks bref. at hann fyrir baud avll kaup vid utlenda menn þa sem ei uar vanaligt at kaupslaga med" (*AnnL*, p. 291) [There also emerges from King Eiríkr's letter that he forbade all trade with foreign men with whom it was not customary to bargain].

¹⁵⁰ *DN*, XX, no. 733, pp. 5–7, also in *DI*, XVI, no. 77, pp. 220–22; *DI*, III, no. 643, pp. 768–69.

¹⁵¹ *DI*, III, no. 644, pp. 769–70.

¹⁵² *DI*, XVI, no. 80, pp. 226–28, also in *DN*, XX, no. 742, pp. 19–20.

wish to serve the king, according to the law, custom and the terms which their ancestor has established:

Worum wyrdolighum herra herra [*sic*] Eirikæ met gudhz naadh Noreghz swærikis Danmarcks gota kononge oc hærtuga yfuær Pomren Heilsum wij allr almughæ lærdhir oc læikæir a yslandæ. kærliga met gudz quediu oc worre audhmiukre þenostu.

kunngerandi ydr naadh ath wer lofum ydr vora troo þenostu: oc vilium ydr hylla oc hafua firer rettan konongh yfuær oss oc enghan annan oc vndir binddum oss ath wæra ydhr hollir oc truer. sām rettum þānorum ber sinom herra ath wera oc wor loghboc vt visar oc vorer forfedr hafua ueitt ydrum foruerorum rettum Noreghs kononghum jattandi ydr þar medr skatt oc alla hlydskyldu af landino sām lofflighum landshsins vana bær kongdomenum gera. Her j moti bidium wij ydr nadher audmiukligha ath ij holden oss met fridh oc lagh: oc latir oss niotandi wærda allra þæira rettar bota sām landit er adr suoret kro-nonne oc kongdomenum.

Kom oc ydart bref hit j landhit til oss j huerio ij forbudut oss ath kaupslagha met nokora vtlandska mænn. En worar rettarbeotr giora suo raadh firer ath oss skyldæ koma sæx skip af noreghi arligha: huat sām æi hefuer komit vpp a langha tima: huar af ydr naadh ok þetta fataka landh hefuir tækit grofuan skada: þy vpp æ gudz naadh. oc ydart traust hofum wij wordit kaupslaga met vtlandska menn sām medh fridh hafua faret oc rettum kaupningshskap oc til hafua siglt. En þæir duggarar oc fiskarar sām reyfat hafua oc ofridh giortt þæim hofum wij refsa latidh. Nw star til gudz nadh oc ydr ath ij scrift oss til huor(s)u wij mættum bestan fridh hafua oc ydan vinskap oc hylli. her met befalom wij ydr gudh oc alt himenrikis hærskap.¹⁵³

Our honourable lord Eiríkr, by the grace of God, King of Norway, Sweden, Denmark and the Gautar and *hertogi* of Pomerania, we, all people of Iceland, learned and laymen, greet you cordially with God's greeting and our humble service.

Proclaiming to your Grace, that we promise you our true service; and we wish to pay homage to you and have our rightful king and no other over us, and we bind ourselves to be faithful and true to you, as it befits righteous subjects to be to their Lord, and our law-book directs and our ancestors have granted to your predecessors, the rightful kings of Norway, consenting to you therewith [the payment of] *skattr* and all duties as subjects of the country as it befits the praise-worthy custom of the land to be done for the kingdom. In return we ask your Grace humbly that you keep peace and law with us. And let us enjoy all those *réttarbætr* which the country has previously sworn to the crown and the kingdom.

¹⁵³ *DI*, iv, no. 330, pp. 268–69 (p. 268), also in *DN*, ii, no. 651, pp. 485–86.

Your letter also came to the country for us in which you forbade us to trade with any foreign men. But our *réttarbætr* so stipulate an agreement that six ships should come to us from Norway yearly—that has not taken place for a long time. Thereby your Grace and this poverty-stricken country have suffered serious harm. Therefore we have, with the grace of God and your trust, traded with foreign men who have travelled in peace and with lawful intent to trade and sail. But those doggers and fishermen which have robbed and made trouble, those we have caused to be punished. Now looking upon the grace of God and yours that you write to us so that we might have peace and your friendship and grace. Hereby we commend you to God and all the heavenly host.

When the Icelanders complain about the prohibitions laid on commerce with foreigners and invoke the crown's disregard of an agreement as their justification for engaging in forbidden trade, they seem to suggest that it was the duty of the King of Norway to provide six ships every year to Iceland as relief for the poverty of the country, and that this duty was stipulated in *réttarbætr*. This letter is signed by twenty-four Icelanders, the most senior *hirdmaðr* and two *logmenn* among them, but it is unsure whether it was ever sent. As has been discussed previously, no reference to such a duty is found in any Icelandic or Norwegian legal texts of the period, and the only witnesses of such a duty are the fifteenth-century documents analysed herein. In the last three texts of Table 2, the passage concerning the poverty of the country and the obligation of the Norwegian crown to provide assistance reads:

Her æa mot saker fataëktar landzins og naudsynia þessa folks er landit bygger at na þeim heitvm moti því goz er heitid var skattinvm j fyrstv af konvngsins alfv. En þat erv þav heit at islendzker se syslv menn og logmenn æ landi vorv og þvílikan skipa gang hafa sem heitit var æ hveriv ari vt hingat forfallalavst og þeim gædvvm hladin sem nytsamlig se landinu.

Here in return, for the sake of the poverty of the country and the need of this people who inhabit the country, [we want] to obtain the promised goods against which we promised in the first [clause to pay] *skattr* on the king's behalf.¹⁵⁴ And it was promised, that *sýslumenn* and *logmenn* are to be Icelandic in our country, and such sea-voyages have been promised [to come] here [from Norway] to us every year, except

¹⁵⁴ This is a paraphrase of a difficult syntax; my interpretation is that goods were promised against the payment of *skattr*.

in case of impediment, and those cargo-loaded which are useful to the country.

Here, although it is a garbled clause, the link between the poverty of the country and the ships to sail annually to Iceland is proposed. Likewise, among the first nine texts in Table 2, manuscript AM 151 4° displays the clause in the form in which the sea-going ships clauses came to be understood in later times:

Jtem saker naudsýnia landzins og fatæktar folksins er landid bygia villdum vier eiga at nää þvilikum skipagangi hingat j landit og þeim gotzsum hladin. sem landenu eru nyttilig og almuganum þarflig og hier kunna ekki at fazst epter þui sem iatat var þessum ærlega skipa gangi forfallalaust.

Item, for the sake of the need of the country and the poor people who inhabit the country, we wish to obtain such sea-voyages [to come] here to the country and [ships] laden with those goods which are useful to the country and necessary to the people and [which] are known not to come, after it was agreed that those sea-voyages [were to come] yearly, except in case of impediment.

These two passages seem to be an explanation or a further elaboration of the more laconic 'six sea-going ships' clause which appears in the other documents (that is, the first nine texts in Table 2, except for AM 151 4°) and, as suggested, they reflect the situation of Iceland in the fifteenth century. As has been seen, at the time of Iceland's submission to the Norwegian crown there is no indication that trade was deteriorating or insufficient. In addition, the sources do not speak of poverty in Iceland during that period, or say that poverty led the Icelanders to submit to the Norwegian king. Konrad Maurer believes that the interpretation which linked the sending of ships to the poverty of the country was born in the fifteenth century, with such documents as the letter sent to the king in 1419 which is discussed above. At the time of the submission, he maintains, Icelandic trade was not in a position of dependency upon Norway, nor was the country suffering; rather, this situation only occurred during the fifteenth century, when the royal control of Icelandic trade generated resentment among Icelanders. However, Maurer does not explain whether the documents which are dated to 1302 (the last three manuscripts in Table 2) and also contain the link between the sending of ships and the poverty of the country (the last three manuscripts in Table 2, plus manuscript AM 151 4°) also have interpretations of older and terser clauses about the sending of ships found in the other texts.

He does not question the veracity of the various documents of the submission analysed in this chapter, but merely states that the interpretation about the sending of sea-going ships in the last agreements is suspicious.¹⁵⁵

Maurer's suggestion has not been debated by scholars, nor has it been asked, for instance, why no extant document issued in response by the Norwegian or Dano-Norwegian crown mentions their promise to send those sea-going ships. No mention of the ships is found in the two law-books introduced after the submission, *Járnsíða* and *Jónsbók*, in several pieces of legislation (*réttarbætr*), or in contemporary sagas or annals. Moreover, despite the existence of fifteenth-century Icelandic letters and documents which mention these ships, there is no document issued in response by a Norwegian king which acknowledges the crown's obligation to send ships to Iceland annually. If the letter from 1419 was ever sent, the crown never bothered to reply; on the contrary, it adopted a policy of more restrictions and tightening of the trade control.¹⁵⁶ The sea-going ships clauses are the strongest indication that the fifteenth-century documents analysed in this chapter reflect the political and economical concern of the time of their writing and are therefore a product of that time. An indication that the documents being produced were a form of pressure on the Norwegian crown, and that Icelanders were copying and interpreting past documents according to their contemporary needs, can also be seen in a fifteenth-century text of the *Ólafslög* (analysed in Chapter 2), which is preceded by the following remarks:

J þena tíma vrdi eigi a sattir noregs menn ok jslendingar hvem rett noregs menn ætti á jslandi æða jslendingar j noregi ok til mikilla þyn-gsla þotti horfa bæði vm siglingar þangat ok adra hluti.¹⁵⁷

At that time the Norwegians and Icelanders came into dispute [about] what rights Norwegians had in Iceland or Icelanders in Norway and it seemed to be turning to great oppressions, both concerning sailings in that direction and [about] other matters.

¹⁵⁵ Maurer, 'Kaflar', p. 109.

¹⁵⁶ As mentioned in the previous section, in 1420 the king sent a new representative to Iceland, Hannis Pálsson, whose mission was to make a more rigorous control of the English trade in the country. Hannis Pálsson's activities in Iceland displeased both Icelanders and English in Iceland. See *AnnL*, pp. 293–94; *DI*, iv, no. 343, pp. 282–83 and no. 381, pp. 324–34; *DN*, xx, no. 767, pp. 45–46; Þorsteins-son, 'Island', pp. 170–75; Carus-Wilson, 'The Icelandic Trade', pp. 163–67. In 1425, a new law was issued which forbade all trade with foreigners in Iceland (*DI*, iv, no. 380, pp. 321–24).

¹⁵⁷ *GrgSkál*, p. 463; also in *DI*, i, no. 21–B, pp. 67–70.

This copy of the *Ólafslög* is found among other *réttarbættir*, including a document of the submission (Table 2). It shows that sailing between Norway and Iceland was both a contentious issue of political importance, and also considered a legal matter. These documents provided a means for the Icelanders to speak to the Dano-Norwegian king, and to exert pressure on him.

It may well be that, as Maurer suggests, the clause was in original agreements and was then interpreted in the fifteenth century to match the needs of the country when the crown adopted an unfavourable policy. However, one should also note the absence of thirteenth- or fourteenth-century manuscripts of the supposed agreements: given the historical and legal importance of such agreements, it is extraordinary that no older copy of these documents has survived, especially if it is considered that, as seen in Chapters 1 and 2, during the time preceding the submission to the Norwegian king, Icelanders recorded many of their laws and rights in a number of forms. In the fifteenth century, at a time when the political conditions were changing radically, Icelanders might have felt unsure about their relations with the kings, and I suggest that these written agreements were an effort to establish what they thought were their rights.¹⁵⁸

6.7 *Other clauses*

Scholars have not paid much attention to the remaining clauses of the documents (which are found only in the first nine texts of Table 2), perhaps because the clauses do not present controversial matter, or because they cannot provide proof concerning the date of the agreement, or because their content cannot be checked against any other extant source. Some clauses deal with matters which were included in the law of Óláfr inn helgi (*Ólafslög*) discussed in Chapter 2: the *landaurar*, which presumably were to be paid by Icelanders arriving in Norway, were discontinued; Icelanders would keep the best rights which they previously had in Norway; the time-limit of

¹⁵⁸ This feeling of insecurity was probably not unjustified: the pawning of Orkney and Shetland during 1460–1469 by the Norwegian crown might have contributed to it. Events that led to the pawning of Orkney and Shetland are discussed by Barbara Crawford, 'The Pawning of Orkney and Shetland: A Reconsideration of the Events of 1460–9', *Scottish Historical Review*, 48 (1969), 35–53, and Kai Hørby, 'Christian I and the Pawning of Orkney: Some Reflections on Scandinavian Foreign Policy 1460–1468', *Scottish Historical Review*, 28 (1969), 54–63.

three years for Icelanders to claim their inheritance in Norway was abolished. This clashes with provisions in *Þingsbók* which, as seen in Chapter 2, prescribed that a legitimate heir to the property of an Icelandic who died in Norway had ten years to claim it,¹⁵⁹ although it can always be argued that the restriction was brought forward later with the introduction of the law-book.

A clause about the king's duty to guarantee peace and Icelandic laws according to the terms of the law-book and of his document is subjected to the same reservation applied to the invocatory clause and the oath, for the stipulation 'eptir því sem lögþók vár vottar' [according to what our law-book bears witness to]:

Jtem at konungr late oss na frídi og íslenskum lögum epter því sem lögþók uor uottar og hann hefer bodit j sinum bréfum sem gud gefur honum framazt uit til.

Item, that the king let us obtain peace and Icelandic laws, according to what our law-book bears witness to and what he has offered in his letters, as God gives him furthest wisdom for.

Since it is known, with hindsight, that Icelanders were given law-books by the Norwegian kings in the years following the submission, it has been generally understood by 'Icelandic laws' that Icelanders would still have a certain control over legislation.¹⁶⁰ Ólsen argues that the provision meant that Icelanders would have the right to keep their old laws, but that the king realized later that the old Icelandic laws were too restrictive and then introduced the new law-books in 1271 and 1281.¹⁶¹ Recently, Gunnar Karlsson has argued that the clause meant that "Iceland was to remain a separate legal district, although no rules were set out about legislative power in the

¹⁵⁹ See Chapter 2, Section 5 above.

¹⁶⁰ See Gregersen, *L'Islande*, pp. 133–34; Maurer, *Udsigt*, p. 88; Berlin, *Islands statstlige stilling*, pp. 73–74; Jóhannesson, *Íslendinga saga*, I, p. 335. On the other hand, Ólsen, *Um upphaf*, pp. 35–37, argues that the provision meant that Icelanders would have the right to keep their old laws. Later, the king realized that the old Icelandic laws were too restrictive and then introduced the new law-books in 1271; see also Ólsen, *Enn um upphaf*, pp. 45–52. The implications of this clause are thoroughly discussed in Gunnar Karlsson, 'Að ná íslenskum lögum: Um lagaákvæði Gamla sáttmála og löggjafarvald á Íslandi í veldi Noregskonungs', in *Yfir Íslandsála: Afmælisrit til heiðurs Magnúsi Stefánssyni sextugum 25. desember 1991*, ed. by Gunnar Karlsson and Helgi Þorláksson (Reykjavík: Sögufræðslusjóður, 1991), pp. 53–75. Karlsson discusses the meaning of 'ná lögum' and 'legislative power' in the context of mediaeval Iceland and Norway.

¹⁶¹ Ólsen, *Um upphaf*, pp. 35–37 and *Enn um upphaf*, pp. 45–52.

country”.¹⁶² Despite the plausibility of both propositions, the clause is indeed too vague, and no conclusion about the dating of the agreements can be made merely through this investigation. The clause which stipulates that Icelanders will show obedience to the *jarl*, however, may be an anachronism if the agreements are dated to 1302:

Item jall uilium uær hafa yfer oss medan hann helldr trunad uid ydr en frid uid oss.

Item, we want to have the *jarl* over us as long as he keeps his faith with you [i.e. the king] and peace with us.

It is recorded in the majority of the available sources that *jarl* Gizurr Þorvaldsson died in 1268.¹⁶³ As there is no record of any other *jarl* being appointed as his successor in the years immediately following his death, it has been generally agreed that *jarl* Gizurr Þorvaldsson was the first and the last *jarl* of Iceland.¹⁶⁴ In 1286, in the annals of *Skálholt*, it is said that “herra Auðun giorr *jarl* yfir Jslandi”¹⁶⁵ [Lord Auðunn made *jarl* over Iceland]. However, for the same year, *Annales vetustissimi* (AM 415 4°, c. 1310) has “Gerver *jarlar* i Noregi Alfr ok Avðvn” [Alfr and Auðunn made *jarlar* in Norway]; *Lögmannsannáll* has “herra Audun hesta korn gior *jarll*” [Lord Auðunn *hestakorn* was made *jarl*], and *Flateyjarbókar annálar*, “gerfir *jarlar* i Noregi Alfr ok Audun”¹⁶⁶ [Alfr and Auðunn made *jarlar* in Norway]. In *Skálholts annáll*, *Lögmannsannáll* and *Lárentius saga biskups* it is said that in 1293, *herra* Pétur was appointed by the king to govern the whole Northern Quarter of the country,¹⁶⁷ and in 1301, *Lögmannsannáll* recorded that *herra* Álfr úr Króki was appointed over the Northern and Eastern Quarters.¹⁶⁸ The annalistic records are very inconclusive, and the only other mention about the king’s representatives in Iceland for the years following *jarl* Gizurr’s death, is found in the seventeenth-century work of Arngrímur Jónsson, *Crymogæa*. There, it is mentioned

¹⁶² Karlsson, *Iceland’s 1100 Years*, p. 84.

¹⁶³ *AnnReg*, p. 137; *AnnL*, p. 258; *AnnFlat*, p. 383; see also Jóhannesson, *Íslendinga saga*, II, p. 50 and Kristinsson, ‘Embættismenn konungs fyrir 1400’, p. 115.

¹⁶⁴ For *jarlar* in Iceland, see Björn Þorsteinsson, *Íslenska skattlandið*, Bókaflokkur Máls og menningar, 5 (Reykjavík: Heimskringla, 1956), pp. 22–35 (p. 31). See also Olsen, *Um upphaf*, pp. 43–51 and p. 67, and Karlsson, *Iceland’s 1100 Years*, p. 94.

¹⁶⁵ *AnnSk*, p. 196.

¹⁶⁶ *AnnVet*, p. 51; *AnnL*, p. 260; *AnnFlat*, p. 383.

¹⁶⁷ *AnnSk*, p. 197; *AnnLög*, p. 261; *LBp*, p. 234.

¹⁶⁸ *AnnLög*, p. 263.

that in 1269, King Magnús Hákonarson appointed two Icelanders, Hrafn Oddsson and Ormr Ormsson, as his prefects in Iceland.¹⁶⁹ Although it is not possible to confirm Arngrímur's information on the basis of references to these two Icelanders in the annals, they were most probably not Icelandic *jarlar*.

General mention of the title of *jarl* is found in both *Járnstíða* and *Jónsbók*, but they do not specifically refer to an Icelandic *jarl*.¹⁷⁰ Specific mention, however, is found in the *Hirðskrá* of King Magnús Hákonarson, on a section about the *jarl* in the tributary lands (*skattlönd*), in which it is written “ef konongr gefr iarl til Jslandz”¹⁷¹ [if the king appoints an *jarl* to Iceland]. The conditional probably indicates that it was not an established custom for the king to nominate an Icelandic *jarl*. Indeed, when the title of *jarl* was abolished in 1308, only the *jarlar* of the Orkneys, and the kings' sons were allowed to retain the title.¹⁷² In the light of the extant laws for the period 1262–1302, it is almost certain that the Norwegian kings did not nominate any other *jarl* for Iceland. In this case, this clause weakens the case for dating the texts to 1302.

6.8 Documents from 1400 to 1500: conclusion

A brief analysis of the texts of the fifteenth-century documents of the submission has shown that Konrad Maurer is right when he insists that the textual differences upon which Jón Sigurðsson bases his classification are insignificant.¹⁷³ The variant readings among the

¹⁶⁹ Jónsson, *Crymogea*, p. 171: “Is duos Islandos, Rafnerum Ottonis et Ormerum Ormeri f. f., Equites auratos creavit et Islandiæ præfectos constituit Anno 1269” [Two Icelanders, Hrafn Oddsson and Ormr Ormsson, he made Knights and established as prefects of Iceland in the year 1269]. On Hrafn Oddsson's role in the submission, see Section 3 above.

¹⁷⁰ See, for example, *NgL*, I, p. 273; IV, pp. 201, 222.

¹⁷¹ *NgL*, II, p. 403. Steinar Imsen, ‘Earldom and Kingdom: Orkney in the Realm of Norway 1195–1379’, *Historisk tidsskrift* [Norway], 2 (2000), 163–80 (p. 166), says that “any idea of independent earl-power or earl-authority is totally absent” from the *Hirðskrá*. The passage in *Hirðskrá* seems to indicate that a *jarl* was a nobleman, in rank immediately below a king, as it is glossed in *NgL*, V, p. 324. See also Donnchadh Ó Corráin, ‘The Semantic Development of Old Norse *jarl* in Old and Middle Irish’, in *Proceedings of the Tenth Viking Congress, Larkollen, Norway, 1985*, ed. by James E. Knirk (Oslo: Universitetets Oldsaksamling, 1987), pp. 287–94, whose work may be used as a contrast to the semantic development of the word in Old Norse.

¹⁷² *NgL*, III, no. 25, pp. 74–81 (pp. 74–75).

¹⁷³ Maurer, *Island*, p. 471.

first nine texts of Table 2 do not support Jón Sigurðsson's theory that they represent different agreements. The only distinction between some of these texts is the presence, or absence, of the oath. Even this difference, however, does not confirm Sigurðsson's suggestion that the texts which do not have the oath referred to an agreement made in 1264. The only basis for the existence of several written agreements are the narrative sources analysed above; and even this interpretation is just speculative, rather than an argument, since these sources do not speak of several written documents.

However, despite current scholarly unanimity in dating these agreements to 1302, their dates cannot be established with much certainty; nor it has been explained why, if the first nine texts in Table 2 are dated to 1302, the last three texts in Table 2, which present great differences in text and form, are also dated to 1302. In fact, detailed examination of these texts has shown that some of the clauses show anachronisms if the agreements are dated to 1262–1264, and other clauses show anachronisms if dated to 1302. In addition, within the vast corpus of legal texts which are extant, as well as sagas and annals, no reference is found to many of the prescriptions contained in these texts. Arguments *ex silentio* are very dangerous if used alone and unsparingly, but in the case of the supposed agreements, it is reasonable to expect that the legal matters they contained would appear at least in some of the thirteenth- and fourteenth-century legal manuscripts. This is not to say that the argument *ex silentio* by itself is sufficiently strong to raise our suspicions about those agreements—it is only when it is considered in conjunction with the other evidence discussed in this chapter, that the evidence of silence can be of some value. These inconsistencies force us to look into the historical background to the writing of these texts. The manuscripts of these texts start appearing in the fifteenth century—a time of great political change and instability for Icelanders. Norway was being united to Denmark and Sweden, and was becoming a strong, centralized monarchy. Icelanders had resisted the process of royal monopolies imposed by Norway since the fourteenth century, but the unified crown was much more determined to have control over Icelandic affairs. The fact that these documents reflect many fifteenth-century historical situations, rather than thirteenth-century ones, alerts us to the possibility of their being fifteenth-century fabrications.

The clause regarding the king's obligation to send sea-going ships to Iceland, which appeared in all fifteenth-century documents analysed

herein, seems to have been a construct of fifteenth-century Icelanders, who were anxious to carry on trading freely with whomever they wished. The same may be said about the clause about the nationality of the royal representatives. I have suggested that these texts were created so that Icelanders could tell the history of their submission to the Norwegian crown in the thirteenth century, which would enable them to negotiate with the Norwegian crown in the fifteenth century. Rather than being intentionally produced as fake documents, however, it seems that these texts reflect the need to record something which was either believed to be true, or should have been true, about the country's past. It is not impossible that, while creating and then copying these texts, Icelanders believed they were recording something that once happened, but it is also not impossible that they knew they were giving the past a twist.

7 Documents from 1500 to 1600

The writing of documents of the submission lasted for a long time after their sudden appearance in the fifteenth century. During the sixteenth century, there appeared twelve copies of the documents of the types analysed in this chapter, with few or no textual variations. Two variants appear alongside these copies. One of them, preserved in the manuscript AM 45 8° (*c.* 1550–1600), has been unanimously classified by scholars as corresponding to an agreement made in 1262 between the Icelanders of the Southern and Northern Quarters of the country and the King of Norway, and has been named *Gizurarsáttmáli* or *Gamli sáttmáli 1262*.¹⁷⁴ The other is a little-known text found in the manuscript Germ 2065 4°, kept at the Deutsche Staatsbibliothek, Berlin. These texts were not favoured by those who wrote documents of the submission, whose preference was obviously for texts of the type analysed in this chapter, as shown in Table 3 below:

¹⁷⁴ See footnotes 44 and 45 above. The text in AM 45 8° is transcribed in Appendix 2. The texts classified as *Gizurarsáttmáli* are in *DI*, I, no. 152, pp. 619–24; IX, no. 1 pp. 1–3; X, no. 6, pp. 5–6. In *DI*, I, no. 152-D, pp. 624–25, there is a copy of the final oath which is attributed to *Gizurarsáttmáli*.

Table 3. Documents of the submission

	<i>Gizurarsáttmáli</i> 1262	<i>Gamli sáttmáli</i> first 9 texts of Table 2	<i>Gamli sáttmáli</i> last 3 texts of Table 2
13th century	—	—	—
14th century	—	—	—
15th century	—	9	3
16th century	2	11	1
17th century	2	5	2
18th century	2	5	3

I begin with the text in AM 45 8°, which I refer to as *Gizurarsáttmáli*. All clauses in *Gizurarsáttmáli* are also found in the fifteenth-century documents of the submission, although they may appear in a different order, or with a slightly different wording. Table 4 below compares the clauses of *Gizurarsáttmáli* to those of the fifteenth-century documents of the submission (in particular the first nine texts of Table 2). The clauses have been compared only in the main and therefore some details have not been mentioned; that is especially the case of the clauses of *Gamli sáttmáli*, which have been transcribed and discussed in detail above.

Table 4. *Gizurarsáttmáli* and fifteenth-century documents

<i>Gizurarsáttmáli</i> (AM 45 8°)	Fifteenth-century documents
NO EQUIVALENT	In the name of the Father, the Son and the Holy Spirit
Agreement between the King of Norway and all the <i>bændr</i> from the Northern and Southern Quarters	Agreement between King Hákon and all people of Iceland
Payment of perpetual <i>skattr</i> of 20 <i>alnir</i> from each man due to pay <i>þingfararkauþ</i>	Payment of <i>skattr</i> and <i>þingfararkauþ</i> (of 20 <i>alnir</i>) ¹⁷⁵ are regulated by the law-book

¹⁷⁵ Only in the last three texts in Table 2 is this amount specified. See Section 6.3 above.

Table 4. (*cont.*)

<i>Gizurarsáttmáli</i> (AM 45 8°)		<i>Fifteenth-century documents</i>
The king guarantees peace and Icelandic laws		SEE BELOW
NO EQUIVALENT		Icelanders do not want to accept summons to go abroad
NO EQUIVALENT		<i>Logmenn</i> and <i>sýslumenn</i> of Iceland must be Icelanders
Six ships should go to Iceland from Norway during each of the next two summers, and subsequently this is to be decided by the best <i>bændr</i> of Iceland and the king		Six ships should go to Iceland every year, except in case of impediment
Icelanders can inherit in Norway no matter how long it takes for their heirs to collect the inheritance in Norway		
<i>Landaurar</i> are abolished		
Icelanders keep their best right in Norway		
SEE ABOVE		The king guarantees peace and Icelandic laws, in the terms of the law-book
Icelanders accept the <i>jarl</i> 's authority, as long as the <i>jarl</i> keeps faith with the king and peace with them		
The Icelanders shall remain faithful to the king as long as he and his descendants keep the agreement.		
Oath		

Gizurarsáttmáli does not contain two of the clauses which are the subject of controversy within the fifteenth-century documents, namely, the provision about the nationality of *sýslumenn* and *logmenn*, and the clause about the discontinuance of the summonses to go abroad. In *Gizurarsáttmáli*, there is no direct reference to a law-book in the clause about the payment of *skattr* and *þingfararkaup*, but, as in the last three texts of Table 2, the mention of the amount of twenty *alnr* might be a indirect reference to the law-book *Jónsbók*. *Gizurarsáttmáli* contains the controversial—and, since it is dated to 1262, anachronistic—oath to Kings Hákon Hákonarson and Magnús Hákonarson. The equally

controversial clause on sea-going ships appears in a slightly different form: the king was obliged to send six ships to Iceland for the period of two years, and afterwards this provision would be revised by the king and the best *bændr* of Iceland.

Similarly to the passages in *Hákonar saga Hákonarsonar* from the manuscripts *Fríssbók* and *Flateyjarbók* discussed above, *Gizurarsáttmáli* states that the agreement was made between the King of Norway and the *bændr* of the Northern and Southern Quarters:

Þat var sam mæli bænda fyrir nordan land og sunan.¹⁷⁶

This was the agreement of the *bændr* in the North and the South of the country.

At the same time, its clauses refer to Icelanders in general, rendering the specific reference to the *bændr* in the North and the South of the country inconsistent. There are no attempts to conform the subsequent clauses to the statement in the introductory clause that the agreement was binding only to those *bændr* of the Northern and Southern Quarters. For instance, the sea-going-ships clause states that the best *bændr* of the country should revise the number of ships to be sent to Iceland after a period of two years. In the clauses, which are almost literally identical to the ones in the fifteenth-century documents, there are also direct references to Icelanders in general. The mention of the *bændr* of the Northern and Southern Quarters seems to indicate that the text of *Gizurarsáttmáli* was attempting to testify to a specific historical moment, based on the historical material available. It is noteworthy that a passage in *Hákonar saga Hákonarsonar* from *Fríssbók* mentions a letter bearing witness to the agreement between the king and the *bændr* of the Northern and Southern Quarters, and *Hákonar saga Hákonarsonar* from *Flateyjarbók* mentions that the king sent letters to Iceland specifying the amount of *skattr* to be paid and settling other matters.¹⁷⁷ *Gizurarsáttmáli* also mentions letters from the king:

¹⁷⁶ The document from AM 45 8° is transcribed in Appendix 2; henceforth, all passages will be quoted without further references.

¹⁷⁷ The passages, in *HákFrís*, chapter 318, pp. 567–68 and *HákFlat*, III, chapter 262, p. 206, are transcribed in Section 2 above.

Slikann rett skulu jslendskir menn hafa j noregi s m þ   er þ  ir hafa bestann haft og þ  ir hafit sialfir bodit j ydrum br fum og at hallda fridi yfir oss so s m Gud g fr ydr framaztt afl til.

Icelanders shall have such rights as the best that they have had in Norway and which you have yourself offered in your letters to maintain peace for us, as God gives you furthest power for.

Unlike the texts analysed in the previous sections—which were used by fifteenth-century Icelanders to bargain with the ruling kings—this sixteenth-century document did not represent a legitimate agreement between the whole country and the King of Norway. I would like to suggest that it (as well as the later copies of it) was created to legitimize the saga narratives which attested to the submission, and, in turn, to be legitimized by it.

As seen in Chapter 1 of this book, Scandinavians of the sixteenth century were engaged in re-writing their past, seeking to redefine the identities of their countries, which were being lost in successive processes of unification. Harald Gustafsson studies the political national identities in sixteenth-century Scandinavia through the vast documentation produced when the Union of Kalmar underwent a series of crises. He shows that reference to ‘old times’ always had a positive quality in political argumentation.¹⁷⁸ The ‘old argument’, as Gustafsson names it, was used to justify the Union of Kalmar itself: in a letter to Archbishop Olaf Engelbrektsson, King Frederik I argued that the Danish and the Norwegian kingdoms were bound “mett gamble breffue oc recesser sammen” [with old letters and agreements].¹⁷⁹ Gustafsson argues:

A standard argument in all the conflicts of the whole union period was that the adversaries had violated the law of the land, the accession charters, the agreements between the realms, and so on, and the exact wording of such documents sometimes caused difficult negotiations.

Often the references were made to laws and agreements in general, not to a specific document, and sometimes it might be suspected that no document actually existed. After the death of King Hans, the leading

¹⁷⁸ Harald Gustafsson, ‘The Eighth Argument: Identity, Ethnicity and Political Culture in Sixteenth-Century Scandinavia’, *Scandinavian Journal of History*, 27 (2002), 91–114 (p. 97). This article is based on Chapter 9 of his doctoral thesis which has now been published: *Gamla riken, nya stater: Statsbildning, politisk kultur och identiteter under Kalmarunionens uppl sningskede 1512–1541* (Stockholm: Atlantis, 2000).

¹⁷⁹ *DN*, XII, no. 299, p. 273.

nobleman of Western Sweden, Ture Jönson, encouraged Sten Sture to claim that a Swede should be elected king of the Union, since “the vote is now ours, as you will find in the old agreement, if you oversee it”. There are not such rules about the election of the kings in any of the constitutional agreements in the history of the Union. The word ‘oversee’ (*lāta överse*) is dubious. Perhaps it is an invitation to Sten Sture simply to produce a falsification.¹⁸⁰

A similar process was going on in Iceland from the middle of the fifteenth century, as the letter sent by the Icelanders to the Norwegian king in 1419 shows: it emphasizes that their relationship was based on what the ancestors of the Icelanders granted to the king’s predecessors, and not on current laws or agreements. The fifteenth-century documents of the submission carried the same message. Even their language makes constant reference to the past: it ‘was’ consented and agreed by all the people of Iceland. It is thus not surprising that when the historiographical revival of the sixteenth century inspired interest in the sagas, documents were made to conform to the information available there. In the process of looking at the oldest point in the past, *Gizurarsáttmáli* was intended to represent the oldest agreement between Icelanders and Norway, that made between the *bendr* of the Northern and Southern Quarters and King Hákon Hákonarson mentioned in the saga narratives.

The attempt to record this specific historical moment does not seem to have been popular among those who wrote documents of the submission: the eleven versions of the documents of the submission written during the sixteenth century do not contain it. Neither does the document of the submission preserved in the manuscript Germ 2065 4°. This manuscript, from the middle of the sixteenth century, is some decades older than the manuscript AM 45 8°. It has not received scholarly attention since Sveinn Bergsveinsson brought it to light in an article in 1970.¹⁸¹ The document of the submission there is similar to *Gizurarsáttmáli*, though its introductory clause resembles those of the fifteenth-century texts and does not mention the

¹⁸⁰ Gustafsson, ‘The Eighth Argument’, p. 98.

¹⁸¹ Sveinn Bergsveinsson, ‘Handritið Germ Quart. 2065’, *Landsbókasafn Íslands*, 26 (1969–1970), 135–55. The manuscript is bound in leather with wooden boards and the date 1547 is inscribed on the front cover. I am extremely grateful to Már Jónsson for bringing this article to my attention. The document of the submission contained there is transcribed in Appendix 2 and will be quoted without further references.

bændr in the North and in the South of the country: the agreement is between the *bændr* of Iceland and the Kings Hákon and Magnús. The mention of King Magnús Hákonarson does not allow the document to be dated to 1262, but only 1264 or later, and therefore it cannot be classified as the 1262-agreement mentioned in the sagas, or the oldest copy of *Gizurarsáttmáli*.¹⁸² The texts in Germ 2065 4° and in AM 45 8° are very similar, but the former has peculiarities: the formula on the submission of ‘land ok þegna ok ævinligan skatt’ [the country and allegiance and perpetual *skattr*] to the Norwegian king is shortened, and the country is not mentioned;¹⁸³ the amount of perpetual *skattr* to be paid is eight *alnir* instead of twenty; and peace is not mentioned, alongside Icelandic laws, as one of the things the king should guarantee to the Icelanders. These variations reinforce the idea that the historiographical revival of the sixteenth century inspired the writing of texts which could be conformed to the historical material then available. The number of documents of the *Gizurarsáttmáli*-type may have been relatively smaller because sagas and annals were not yet readily available, but also because of the popularity of the fifteenth-century documents of the submission. The documents in both AM 45 8° and Germ 2065 4° are late instalments of the revision of Icelandic history which started in the middle of the fifteenth century. In order to grant them a reliable historiographical status, it would be necessary to disregard their utter dependency on the fifteenth-century documents and the historical context of their production.

8 Conclusion

The prominence that the documents known as *Gizurarsáttmáli* and *Gamli sáttmáli* have been accorded in the history of the Icelandic submission has suggested that the historical change in Iceland was formal and definite, and also radical and sudden. Instead of a radical event, I am arguing, the change was smooth and gradual, and only reached its apex when the whole country submitted to the Norwegian king. However, the historiographical status that has been accorded

¹⁸² See Bergsveinsson, ‘Handritið Germ Quart. 2065’, p. 150.

¹⁸³ In *DI*, I, p. 621, Jón Sigurðsson tries to explain the difference between the amounts of *skattr* which appear in the seventeenth-century copies of *Gizurarsáttmáli*.

to these written texts—and the place that they have been given in attempts to create a coherent narrative of thirteenth- and fourteenth-century Iceland—have encouraged scholars to look at the submission as a single crucial event and at the century preceding it as one of few changes.¹⁸⁴ In many ways, this view of the Icelandic submission has dominated Icelandic scholarship of the twentieth century, as Ármann Jakobsson has summarily demonstrated.¹⁸⁵ The interpretation of the agreements has been influenced and sometimes informed by this view. Even if the documents of the submission, in their extant forms, are indeed faithful copies of original thirteenth-century agreements, their interpretation is not as straightforward and unequivocal as scholarship has suggested.

Without the certainty of these written texts, one is left with the accounts in sagas, annals, the law-books *Jámsiða* and *Jónsbók*, and also other legal and diplomatic documents. The accounts in the sagas tell that during the last decades of the thirteenth century, Icelanders were slowly welcoming the idea of paying tribute to the Norwegian king and becoming his subjects. It was a process, rather than a revolution. In 1256, the first Icelanders agreed to pay tribute to the king, and by the following decade, the whole country had made the same decision. The previous chapter has also shown that the Norwegian kings participated in important aspects of Icelandic life. The picture which emerges from this analysis is in conformity with Orri Vésteins-son's views of the changes operating in thirteenth-century Iceland. Vésteins-son says:

The development of the Icelandic political system was not a matter of a system being founded in the tenth century, collapsing in the thirteenth and then being replaced by an alien one, but much rather a continuing process of power structures becoming increasingly complicated and effective and that the submission to the Norwegian king was but a stage in that process.¹⁸⁶

The question to be posed is what changed for the Icelanders in this process and what the submission really represented to the thirteenth-century Icelandic. Much of the debate about these changes has hitherto been circumscribed by the terms of the documents of the

¹⁸⁴ This is the case, for instance, in Björn Þorsteinsson's analysis of these agreements and the submission: Þorsteinsson, *Íslenska skattlandið*, p. 32.

¹⁸⁵ See Section 3 and footnote 27 above.

¹⁸⁶ Vésteins-son, *The Christianization of Iceland*, p. 8.

submission (*Gizurarsáttmáli* and *Gamli sáttmáli*); this debate has primarily focused on their legal nature. As the struggle for independence developed in Iceland during the nineteenth and twentieth centuries, a Danish-Icelandic constitutional conflict developed, and Icelandic and Danish scholars were engaged in establishing the legal status of Iceland in relation to Denmark.¹⁸⁷

The Icelanders, led by Jón Sigurðsson, promoted the theory that, with *Gizurarsáttmáli*, Iceland had entered into a personal union with Norway. Sigurðsson argued that this personal union was possible because the agreement was made by two countries which were equally independent and therefore free to decide the terms of the covenant. The personal union meant that Iceland did not become part of Norway, but remained a free independent country, sharing a common king with Norway.¹⁸⁸ As Gregersen points out, the importance of this interpretation surpassed the events of the thirteenth-century submission, and became the cornerstone of the legal and constitutional Icelandic argument.¹⁸⁹

Knud Berlin led the Danish argument against the theory of the personal union. His first objection involved the technicalities of the legal term 'personal union' chosen by Sigurðsson. On the basis of all extant legal and diplomatic documents, he maintained, it was obvious that Iceland had become a *skattland* of Norway.¹⁹⁰ He also argued that Iceland was not an independent, free country by the time of the submission, but, on the contrary, that the Norwegian king had already gained control over a great part of the country.¹⁹¹

¹⁸⁷ Gregersen, *L'Islande*, pp. 137–48, presents a summary of this constitutional conflict, with emphasis on the legal aspects, to which the following paragraphs are much indebted. In addition to Gregersen's references, see Ólsen, *Um upphaf*, pp. 68–73 and *Enn um upphaf*, pp. 40–45; and, for the relation between Icelandic nationalists and the Danish crown during the process of Icelandic independence, Guðmundur Hálfðanarson, 'Iceland: A Peaceful Secession', *Scandinavian Journal of History*, 25 (2000), 87–100.

¹⁸⁸ Jón Sigurðsson, *Om Islands statsretlige Forhold: nogle Bemærkninger i Anledning af Etatsraad, Professor J. E. Larsens Skrift 'Om Islands hidtilværende statsretlige Stilling'* (Copenhagen: Möller, 1855), pp. 5–15. Some aspects of Jón Sigurðsson's interpretation of the agreements are discussed in Guðmundur Hálfðanarson, 'Gamli sáttmáli', pp. 191–94.

¹⁸⁹ Gregersen, *L'Islande*, p. 139.

¹⁹⁰ Berlin, *Islands statsretlige stilling*, pp. 96–107, 135–48.

¹⁹¹ Berlin, *Islands statsretlige stilling*, pp. 109–10. Alexander Bugge also argued that the idea of a personal union between Iceland and Norway was not correct, and that Iceland came to have the same relation to Norway as the other *skattland*, the Hebrides, the Orkneys and Man; see Alexander Bugge and others, *Norges historie*

Indeed, Sigurðsson's theory of a 'personal union' could not be applied to mediaeval Iceland with much success, as it involves modern concepts of state and law.¹⁹² The debate which followed became entangled in a legal argument which does not help to elucidate the situation of Iceland in the thirteenth century. But some assumptions about the changes occurring in Iceland can be made on the basis of the extant sagas, annals and legal documents. Icelanders might have acquired, as Orri Vésteinsson puts it, "the raw material of statehood and the means to keep peace".¹⁹³ This is certainly one aspect of the new Icelandic political situation, but how these changes affected the life of Icelanders is perhaps more difficult to assess. Some of these changes are more obvious, and can be observed in the law-books, *Járnsíða* and *Jónsbók*, the introduction of which is described by Jón Viðar Sigurðsson as marking "the great breach" with the pre-submission period of Iceland.¹⁹⁴ Such is the case with the system of compensation for killed relatives, with the compensation now being the king's prerogative; the political and administrative system being placed in the hands of royal officers, and the re-organization of the *Alþingi*. In order to assess the way in which this process of change affected the Icelanders' views of their own past, and more specifically, their views of their relation with the Norwegian kings, the next chapter will discuss this past and these relations described in the sagas of *Möðruvallabók*, a collection of sagas written down during the fourteenth century, which were also re-writings and re-workings of older, thirteenth-century sagas.

fremstillet for det norske folk, 6 vols in 13 (Oslo: Aschehoug, 1909–17), II.11 (1916): *Tidsrummet 1103–1319*, ed. by Alexander Bugge, p. 289.

¹⁹² Guðmundur Hálfðanarson, 'Gamli sáttmáli', pp. 182–91, proposes that the documents of the submission be characterized as 'social contracts' for the establishment of the State in Iceland, in the theoretical model developed by David Hume († 1776), even though he recognizes that the theory of social contract could never have crossed the minds of the mediaeval Icelanders. Perhaps it may be said that the documents resemble the idea of secular covenants of early modern times, especially because it seems that their morally binding dimension is more important than their legal dimension (cf. Daniel J. Elazar, *The Covenant Tradition in Politics*, 5 volumes (New Brunswick: Transaction, 1995–98), I (1995), pp. 19–33; IV (1998), pp. 7–13).

¹⁹³ Vésteinsson, *The Christianization of Iceland*, p. 5.

¹⁹⁴ Sigurðsson, 'The Icelandic Aristocracy', p. 156.

CHAPTER FOUR

RELATIONS BETWEEN ICELANDERS AND THE EARLY RULERS OF NORWAY AS DEPICTED IN *MÖÐRUVALLABÓK*

1 *Introduction*

The present chapter investigates mediaeval Icelanders' views of their past and especially their views of their relation with the Norwegian king. It was suggested in Chapter 3 that this assessment will help us to understand the process of change brought with the thirteenth-century submission, since the sagas which express these views of the past were written during this process of change, that is, the thirteenth and fourteenth centuries. This chapter concentrates on the narratives of the settlement of Iceland, and on the subsequent encounter of the first generations of Icelanders with Norway and the Norwegian court, as depicted in the sagas of the fourteenth-century manuscript *Möðruvallabók*. The starting-point of this study is the account of the settlement found in *Egils saga*, since it is the longest and fullest expression of a specific view of the settlement which can be found in many other Icelandic sagas.¹ According to this tradition, numerous high-born and powerful Norwegians decide to leave the country because they cannot tolerate the new form of kingship which Haraldr inn hárfagri imposes. Haraldr inn hárfagri's reign threatens the old social order, and for that reason it is described as a tyranny. To escape it, those men who value their freedom and their own power of decision choose either to fight against Haraldr inn hárfagri, or to abandon their properties in Norway, in order to try to re-establish their ancestral society in a new land. New societies are being built both in Norway and Iceland, with the resulting clashes between an old and a new order. Later, when members of the first generations of Icelanders go to Norway, they encounter a society which conflicts

¹ See Appendix 3, which presents passages from other sagas that describe the settlement, and highlights the ideologically significant words and terms that recur in these accounts.

with the traditional values they have retained. In consequence, this encounter not only reaffirms the Icelanders' claim to be the guardians of their ancestors' traditions, but also affirms their identity as Icelanders. The accounts of the travels of Icelanders to Norway have this double function, at the same time connecting Icelanders to their past and traditions, and confirming their independent identity.

This description of the settlement of Iceland is centred on the rise to power of King Haraldr inn hárfagri; the emigration to Iceland and the travels to Norway of the first generations of Icelanders are shown as subsequent developments. The sentiments which these accounts entail may help us to understand the presentation of Iceland as a society of independent, free men in relation to the Norwegian kings. Bjarni Einarsson explores these sentiments in an article entitled 'On the Status of Free Men in Society and Saga', but whereas his analysis concentrates on establishing the historical verisimilitude of the accounts of the settlement as they appear in the sagas, and checking them against *Íslendingabók* and *Landnámabók*, I intend to investigate the values which the narrative shows as inherent in older Norwegian society and how these values are applied to the emergent societies of Iceland and Norway.² Ultimately, this analysis is intended to throw light on the presence of the Norwegian kings within the sagas, and therefore it is a test case for the interpretation of the relations between Icelanders and the Norwegian kings which emerged from my reading of the legal texts in Chapters 2 and 3 of this book.

2 *The Möðruvallabók manuscript*

Möðruvallabók contains eleven sagas in the following order: *Njáls saga*, *Egils saga*, *Finnboga saga*, *Bandamanna saga*, *Kormaks saga*, *Víga-Glúms saga*, *Droplaugarsona saga*, *Ólkofra saga*, *Hallfreðar saga*, *Laxdæla saga* and *Fóstbræðra saga*.³ Andrea de Leeuw van Weenen notes that the first sagas are

² Bjarni Einarsson, 'On the Status of Free Men in Society and Saga', *Mediaeval Scandinavia*, 7 (1974), 45–55.

³ The names of the sagas in the *Möðruvallabók* are sometimes displayed in title headings, with the words, 'here begins X saga', or just the title of the saga; sometimes they appear in the last line of the saga, with the words, 'here I end X saga', or a similar wording; sometimes the names of the sagas are displayed both in the

ordered geographically. This geographical arrangement follows the same circular, clockwise movement around Iceland, departing from the south-west, that appears in *Landnámabók*, but it is not consistent because some sagas break the pattern. A note at the end of *Njáls saga* tells that a now-lost saga, named *Gauks saga Trandilssonar*, was meant to follow; this intended inclusion probably fits into that geographical pattern.⁴ Margaret Clunies Ross has suggested that the manuscript has a northern or north-western bias; she claims that “six out of the eleven sagas it contains (55%) are set in the north or north-west of the country”.⁵ However, this observation seems of limited use, and perhaps even misleading: as she herself points out, the intended inclusion of *Gauks saga Trandilssonar*, the narrative of which might have been centred on the south of Iceland, would rebalance the geographical distribution, even if the lost saga supposedly had a “strong northern connection”.⁶ Moreover, since we do not have the beginning or the end of the manuscript, we cannot say whether it might have contained other sagas which would confirm

title headings and in the equivalent final words. In the order in which they appear in the manuscript, with the manuscript leaves in parentheses, they are: “ok lyk ek þar brennunials sögu” (61r); “her hefr upp egils sögu” (62v); “ok lyk ek þar finnbogaso.” (114r); “saga ofeigs banda kals” (114r); “kormags saga-” (120v); “her hefr víga Glums sögv” (129r) and “ok lykr þar sögu Glums.” (141v); *Droplaugarsona saga* does not contain a title heading nor the final words; “aulkofra saga” (147v); “hallfreðar saga” (149v); “laxdæla saga” (156r); “saga þormod ok þorgeirs” (198r).

⁴ *Möðruvallabók*, I, p. xiii. The geographical pattern can be explained as follows: *Njáls saga* deals with the South-West; *Egils saga* with Borgarfjörðr; *Bandamanna saga* and *Kormaks saga* with Húnaflói; *Víga-Glúms saga* with Eyjafjörðr, *Droplaugarsona saga* with Austfirðir. *Finnboga saga*, between *Egils saga* and *Bandamanna saga*, does not seem to fit into this pattern at all, since it is set in Þingeyjarsýsla in the North East (the first place name it actually mentions is ‘Flateyjardalr’, in its fourth sentence. If this were mistakenly assumed to refer to Flatey in Breiðafjörðr, then the saga would fit the geographic plan). *Ölkofra þáttur* is mostly set at the *Alþingi*; *Hallfreðar saga* deals with *Húnaflói*, *Laxdæla saga* with Breiðafjörðr and *Fóstbraðra saga* with the Vestfirðir, so they follow no real pattern. The character Gaukr Trandilsson is mentioned in *Njáls saga* (*N*, chapter 26, 139, pp. 72, 371). There it is said that Gaukr was the foster-brother of Asgrímr Elliða-Grimsson, who kills him. He could have lived in Þjórsárdalr in the South of Iceland (*N*, pp. 72–73, fn. 11). I am indebted to Paul Bibire for these observations.

⁵ Margaret Clunies Ross, *Prolonged Echoes: Old Norse Myths in Medieval Northern Society*, The Viking Collection, 7, 10, 2 vols (Odense: Odense University Press, 1994–98), II: *The Reception of Norse Myths in Medieval Iceland* (1998), p. 104. Axel Kristinsson, ‘Lords and Literature: The Icelandic Sagas as Political and Social Instruments’, *Scandinavian Journal of History*, 28 (2003), 1–17, analyses the geographical distribution of the sagas in connection with the distribution of power in Iceland.

⁶ Ross, *Prolonged Echoes*, p. 104 (fn. 5).

a bias in the selection of sagas. Claudia Müller reviews the previous scholarship on the origins of the manuscript, and suggests that *Möðruvallabók* may have been commissioned by Þorsteinn Eyjólfsson, c. 1350, in order to celebrate his ancestors from the north of the country.⁷ She suggests that this commission would support the idea that the manuscript concentrates on the north of Iceland.⁸

Andrea de Leeuw van Weenen has provided us with a comprehensive description of *Möðruvallabók*, and the description that follows is indebted to her work.⁹ *Möðruvallabók* has now 200 leaves, 189 of which are from the fourteenth century. The remaining eleven leaves are seventeenth-century replacements for lacunae in *Njáls saga*, which lacks its original beginning. *Egils saga* only lacks two leaves, but *Fóstbræðra saga* is very defective (only the equivalent of nine chapters of the *Íslenzk fornrit* edition are extant). *Fóstbræðra saga* is also preserved in the fourteenth-century manuscript *Hauksbók* (AM 371 4°), but a comparison between this text and the text in *Möðruvallabók* shows that they belonged to different traditions.¹⁰ For this reason, *Fóstbræðra saga* has been excluded from the comparative material, as have the passages in *Njáls saga* and *Egils saga* which are not in *Möðruvallabók* as a consequence of the lacunae.

Scholars recognize four hands in the manuscript, one of which wrote the seventeenth-century replacements of the leaves of *Njáls saga*. Many marginal notes were written by other hands. The main hand wrote the bulk of the text and it is identified as the hand in which other manuscripts of a religious, historical and legal nature are written; on the basis of the number of manuscripts written by the main hand, scholars have suggested that it was the hand of a professional scribe connected to an ecclesiastical institution, working in the period 1330–1370. The second hand, which is also recognized as being the hand of other manuscripts, wrote a quarter of

⁷ Claudia Müller, *Erzähltes Wissen: die Isländersagas in der 'Möðruvallabók' (AM 132 fol.)*, Texte und Untersuchungen zur Germanistik und Skandinavistik, 47 (Frankfurt a.M.: Lang, 2001), pp. 29–38, 223–24.

⁸ Müller, *Erzähltes Wissen*, pp. 23–28, 215–29.

⁹ Andrea de Leeuw van Weenen, *A Grammar of Möðruvallabók*, CNWS Publications, 85 (Leiden: Research School CNWS, 2000). See also Müller, *Erzähltes Wissen*, pp. 23–28, 215–17.

¹⁰ See *Möðruvallabók: Codex Möðruvallensis MS no. 132 fol. in the Arnamagnæan Collection in the University Library of Copenhagen*, with an introduction by Einar Ólafur Sveinsson, Corpus Codicum Islandicorum Medii Ævi, 5 (Copenhagen: Levin & Munksgaard, 1933), p. 13.

the verses in *Egils saga* into blank spaces which the main scribe had left for the verses to be filled in. A third hand added headings in red ink, and it is not certain whether the third scribe, or a fourth, wrote the initials.¹¹ Bookmarks (fore-edge tabs) have been inserted at the beginnings of ten sagas.¹²

Originally, the manuscript had at least twenty-six quires of eight leaves. While *Njáls saga* and *Egils saga* “take up a whole number of quires, *Finnboga saga* is the last saga to start a new quire, or even a new page. The remaining sagas were packed together as much as possible”. The first page of the first quire of *Egils saga* was left empty, perhaps indicating that the saga was originally intended to form a new codex, or the beginning of one. *Njáls saga* “has consistently 42 lines per page, whereas the rest of the manuscript has 41 lines”.¹³ These details might perhaps indicate that the sagas were assembled according to a careful design, and that *Njáls saga* was added at the beginning after deliberate thought.¹⁴

Of all the sagas contained in *Möðruvallabók*, only *Egils saga* and *Laxdæla saga* can be found in thirteenth-century manuscripts. (*Njáls saga* and *Fóstbræðra saga* are found in manuscripts from the beginning of the fourteenth century, while for the remaining sagas, *Möðruvallabók* is their oldest attestation.) Van Weenen, who has thoroughly studied the morphological evidence of the manuscript, points out that “all of the sagas are copies of older manuscripts and retain at least to some extent the peculiarities of their exemplars”.¹⁵ I shall not discuss the dating of these sagas; although this study concentrates on the fourteenth-century redactors who were ultimately responsible for the text as we now have it, I use the expression ‘thirteenth- and fourteenth-century redactors’ in deference to that evidence, to van Weenen’s observation and to other scholars’ dating of the sagas.

The classification of Icelandic sagas by genre may be circumvented by the choice of *Möðruvallabók* (although, perhaps ironically, the sagas in the manuscript can all be grouped under the generic classification

¹¹ On the subject of the hands in *Möðruvallabók*, see van Weenen, *A Grammar of Möðruvallabók*, pp. 22–24 and the references she gives there.

¹² These bookmarks consist of incisions made on the parchment, to which is attached a small strip that projects from the edge of the manuscript; see van Weenen, *A Grammar of Möðruvallabók*, pp. 18–19.

¹³ van Weenen, *A Grammar of Möðruvallabók*, p. 21.

¹⁴ See Müller, *Erzähltes Wissen*, pp. 25–26.

¹⁵ van Weenen, *A Grammar of Möðruvallabók*, p. 3.

Íslendingasögur or ‘family sagas’).¹⁶ It seems worthwhile to follow Fred C. Robinson’s advice to pay attention to the spatial arrangement of the text in the manuscript since “medieval books often constituted composite artifacts in which each component text depended on its environment for part of its meaning”.¹⁷ The few studies to have considered the assembling of Icelandic manuscripts are encouraging and seem to corroborate Robinson’s observations. Claudia Müller explores the narrative structures of the sagas in *Möðruvallabók* as a relatively coherent compilation project. Stephen Norman Tranter and Stefanie Würth have analysed the role of the compiler behind the composition of the sagas in *Flateyjarbók* and *Sturlunga saga*.¹⁸ Tranter demonstrates that the compiler followed a pre-determined plan, while Würth, analysing the sagas in their manuscript context, shows the importance of the *þettir* within the structures of the *konungasögur*. Ármann Jakobsson also shows that the *þettir* in *Morkinskinna* reinforce not only the structure of the sagas, but also their ideological content.¹⁹

The choice of the sagas of the manuscript *Möðruvallabók* may be deemed arbitrary, after the fictional and historical division is

¹⁶ For the sake of simplicity, in this book the term *Íslendingasögur* refers to the first fourteen volumes of the *Íslensk fornrit* editions, with the addition of *Færeyinga saga*. Philip Westbury Cardew, ‘Genre, History and National Identity in Icelandic Saga Narrative’ (unpublished doctoral thesis, University of Leeds, 1996), objects to the way in which generic labels are usually employed in saga scholarship and argues that genre-classifications such as *Íslendingasögur* and *fornaldarsögur* did not have any significance for mediaeval audiences (pp. 1, 12–13). The view that one’s true understanding of a given text is indebted to an appreciation of its genre, however, is passionately supported by Joseph Harris, ‘Genre in the Saga Literature: A Squib’, *Scandinavian Studies*, 47 (1975), 427–36 and ‘Theme and Genre in Some *Íslendinga þettir*’, *Scandinavian Studies*, 48 (1976), 1–28 (but see Lars Lönnroth, ‘The Concept of Genre in Saga Literature’, *Scandinavian Studies*, 47 (1975), 419–26, who answers some of Harris’s assertions). For manuscript compilations of the so-called *riddarasögur* and *fornaldarsögur*. See Matthew James Driscoll, *The Unwashed Children of Eve: The Production, Dissemination and Reception of Popular Literature in Post-Reformation Iceland* (Enfield Lock: Hisarlik Press, 1997), pp. 5–6.

¹⁷ Fred C. Robinson, ‘Old English Literature in its Most Immediate Context’, in *Old English Literature in Context: Ten Essays*, ed. by John D. Niles (Cambridge: Brewer, 1980), pp. 11–29 (p. 11).

¹⁸ For Müller’s work, see footnotes 7 and 8 above. Stefanie Würth, *Elemente des Erzählens: Die þettir der Flateyjarbók*, Beiträge zur nordischen Philologie, 20 (Basel: Helbing & Lichtenhahn, 1991) and Stephen Norman Tranter, *Sturlunga Saga: The Role of the Creative Compiler*, German Language and Literature, 941 (Frankfurt a.M.: Lang, 1987).

¹⁹ For Ármann Jakobsson’s more complete analysis of *Morkinskinna*, see his *Staður í nýjum heimi: konungasagan Morkinskinna* (Reykjavík: Háskólaútgáfan, 2002), especially pp. 61–93, but also his ‘King and Subject in *Morkinskinna*’, *Skandinavistik*, 28 (1998), 101–17.

abandoned (as discussed in Chapter 1), and generic classification set aside. This choice is made, though, in order to present a selection of comparative material that is determined not by a modern set of criteria, with implicit and explicit modern assumptions, but by the choice of the mediaeval redactor of *Möðruvallabók*. It is not the objective of this study to demonstrate that the manuscript *Möðruvallabók* was devised to profess a specific historical or literary view. That is not to say that this could not have been the case, and perhaps the fact that these sagas were assembled in Iceland during the fourteenth century may reveal, among other things, a conscious attempt to present a particular aspect of the history of the Icelanders.²⁰

3 *Haraldr inn hárfagri and the settlement of Iceland in Egils saga*

The story of the Iclander Egill Skalla-Grímsson starts with his ancestors in Norway. In the thirty chapters which precede Egill's birth, the narrative concentrates on the conflict between Haraldr inn hárfagri and Egill's family and its close friends: the story of this relation explains how Egill came to be an Iclander and, ultimately, how Iceland came to be. Not just a stylistic choice, the presentation of the Icelandic Egill through his Norwegian ancestors enacts the ideological structure of the saga: tradition not only plays an important part in the narrative, but also motivates it.²¹ In the first lines of chapter 1, for example, the narrative introduces Egill's grandfather, Kveld-Úlfr, within this ideological frame:

Úlfr var maðr auðigr, bæði at lönðum ok lausum aurum; hann tók lends manns rétt, svá sem haft höfðu langfeðgar hans, ok gerðisk maðr ríkr.²²

²⁰ I remain sceptical of Claudia Müller's suggestion that *Möðruvallabók* concentrates on northern affairs, especially because *Njáls saga*, *Egils saga*, *Droplaugarsona saga*, *Ólkofra þáttir*, *Laxdæla saga* and *Fóstbræðra saga* would not conform to this scheme. It also remains to be shown how the supposed bias in the selection of the sagas for the manuscript influenced their structure and arguments. Notwithstanding, I would like to express my admiration for Müller's work.

²¹ The saga's interest in old customs and laws is an expression of this ideological framework. On the role of antiquarianism in the saga, see Hermann Pálsson, 'Fornfræði *Egils sögu*', *Skirnir*, 168 (1994), 37–72.

²² *Eg*, chapter 1, p. 4. I have used the *Íslensk fornrit* series for quotations from the sagas of *Möðruvallabók*, but have compared the text in these editions to the diplomatic edition of the manuscript by Van Weenen; only when there is a significant

Úlfr was a rich man in both lands and disposable income; he took his right of *lendr maðr*, as his ancestors had done, and became a powerful man.

Powerful men (*ríkir menn*) have a special importance in the narrative and, although wealth is a pre-requisite of being such a man—and Kveld-Úlfr has both land and moveable property to guarantee his inclusion in the group—it is the inheritance of his ancestral right of *lendr maðr* [land holder] which invests Kveld-Úlfr with power. At this point, the powers that this right confers are not specified, but developments in the saga show that the possession of ancestral land, *óðal*, is one of them. The harmony of Kveld-Úlfr's domestic economy rests on the combination of good farm-administration, and wealth and honour gathered in wars and viking activities, which is carried on by his sons.²³

In chapter 2, the narrative introduces other kings and *jarlar*, and in this way roughly establishes the saga's social background necessary to the understanding of the conflict with Haraldr inn hárfagri, which is then described in chapter 3. King Haraldr attacks and fights the neighbouring kings; one of them, King Hrollaugr, surrenders and becomes his *jarl*. An alliance of kings is urgently called for by Sölvi klofi, whose father, King Húnþjófr, had resisted King Haraldr and, in doing so, had died. Sölvi klofi tries to persuade King Arnviðr to fight against King Haraldr:

“Þótt þetta vandræði hafi nú borit oss at hendi, þá mun eigi langt til at, sama vandræði mun til yðvar koma, því at Haraldr ætla ek at skjótt mun hér koma, þá er hann hefir alla menn þrælkat ok áþjót, sem hann vill, á Norðmæri ok í Raumsdal. Munu þér inn sama kost fyrir höndum eiga, sem vér áttum, at verja fê yðvart ok frelsi ok kosta þar til allra þeira manna, er yðr er liðs at ván, ok vil ek bjóðask til með mínu liði móti þessum ofsa ok ójafnaði; en at qðrum kosti munu þér

omission or addition relevant to my analysis have I pointed out disparities between the texts.

²³ Kveld-Úlfr's sons, Þórólfr and Grímr, divide between themselves the tasks of war and farming. In *Möðruvallabók*, Þórólfr is also described as ‘hinn mesti kaupmaðr’ (*Möðruvallabók*, II, fol. 62v), which emphasizes his relation to a domestic economy; see footnote 28 below. This division of labour is also seen in the *Möðruvallabók* text of *Víga-Glúms saga*, where the brothers Hreiðarr and Ívarr own a farm and property together; Ívarr goes on viking expeditions each summer while Hreiðarr takes care of their farm; Hreiðarr says he depends on his brother's wealth, wealth which is acquired through viking activities (*VígaGlum*, chapter 2, pp. 6–7). See footnote 27 below.

vilja taka upp þat ráð, sem Naumdælir gerðu, at ganga með sjálfvilja í ánaud ok gerask þrælar Haralds. Þat þótti fœður mínum [vegr],²⁴ at deyja í konungdómi með sœmð, heldr en gerask undirmaðr annars konungs á gamals aldri; hyggek, at þér muni ok svá þykkja ok qðrum þeim, er nökkurir eru borði ok kappsmenn vilja vera”.²⁵

“Though this problem has now happened to us, it will not be long before the same problem comes to you, because I believe that Haraldr will come here shortly, when he has enslaved and oppressed all the men in Norðmœrr and in Raumsdalr as he wishes. You will have the same choice on your hands as we had, to defend your property and freedom and to risk for it all your people whose help you can hope for—and I would like to offer myself [to help] with my troops against this tyranny and injustice; but alternatively you may want to take the same course of action that they did in Naumdælir—to go voluntarily into bondage and become Haraldr’s slaves. My father considered it [honourable] to die with dignity as a king, rather than becoming the underling of another king in his old age; I believe that you will think so and so will the others of high standing who want to be men of valour”.

Sölvi’s speech emphasizes that it is not only power or wealth which these kings should rise up to maintain; after all, King Haraldr was ready to confer some sort of power on those surrendering willingly. For Sölvi, however, submission and the loss of royal power conferred by ancestry is comparable to slavery: death is a more honourable choice. Sölvi’s mention of his father’s wish to die with dignity ‘á gamals aldri’ [in his old age] is consistent with ‘svá sem haft hœfðu langfeðgar hans’ [as his ancestor had done] which is said of Kveld-Úlfr’s rights of *lendr maðr*: both emphasize the desire to follow ancestral traditions. The Icelanders’ struggle against Haraldr inn hárfagri in order to maintain the customs of their forefathers dominates the first part of the saga, and many scholars have observed that the conflict between and old society and new one pervades the saga throughout.²⁶ Rather than emphasizing the collapse of an ancient

²⁴ In *Möðruvallabók*, ‘sigr’ [victory] (*Möðruvallabók*, II, fol. 63r).

²⁵ *Eg*, chapter 3, p. 8.

²⁶ See, for instance, William P. Ker, *Epic and Romance: Essays in Medieval Literature* (London: Macmillan, 1896; repr. 1908), p. 192; Preben Meulengracht Sørensen, *Fortælling og ære: studier i islændingesagaerne* (Aarhus: Aarhus universitetsforlag, 1993), p. 129; Anthony J. Gilbert, ‘Social and National Identity in Some Icelandic *þettir*’, *Neophilologus*, 75 (1991), 408–24 (pp. 412–13); Joseph Harris, ‘Saga as Historical Novel’, in *Structure and Meaning in Old Norse Literature: New Approaches to Textual Analysis and Literary Criticism*, ed. by John Lindow, Lars Lönnroth and Gerd Wolfgang Weber, The Viking Collection, 3 (Odense: Odense University Press, 1986), pp. 187–219.

social system, of which Haraldr inn hárfagri would be the catalyst, the narrative draws attention to the efficacy of the old structure: in imposing a new form of government, the king breaks the harmony of the traditional system. As the narrative unfolds, it shows how the domestic economy described in chapter 2 of the saga is disrupted with tragic consequences;²⁷ the way in which these Norwegians react to Haraldr inn hárfagri will shape their biographies and seal their fates.

Sölvi klofi presents the dilemma to King Arnviðr of defending his property and freedom or going of his own accord into bondage and become King Haraldr's slaves. Those who choose to resist King Haraldr are men of high standing, who want to be *kappsmenn*. The term *kappsmaðr* is employed on several occasions throughout the saga, and does not necessarily imply praise; it could perhaps be translated as 'man of energy', although this does not entirely convey the idea of contentiousness which the word implies.²⁸ At any rate, the saga emphasizes the idea that those men who consent to submit to King Haraldr's new quasi-feudal rules—and therefore surrender their power of self-determination—are equivalent to slaves (*þrælar*). According to the saga, the property system was based on the ownership of allodial, ancestral land (*óðal*), and thus the introduction of a system based on *leigumenn*—who most probably only held property from the king, as tenants of sorts—would disestablish the powerful men (*ríkir menn*) who in turn would need to submit to the now much-increased power of a sole king.²⁹

²⁷ Vésteinn Ólason, *Dialogues with the Viking Age: Narration and Representation in the Sagas of the Icelanders*, trans. by Andrew Wawn (Reykjavík: Heimskringla, 1998), p. 193, by explaining Þórólfr's decision to join King Haraldr as an act of disobedience to his father, reaches an opposite interpretation: "The saga shows that the source of family disharmony lies in the economic nature of the Viking Age: the farmer-chieftain is also a viking, not tied to his family lands but eager to win fame and fortune overseas by trade and piracy". See footnote 23 above.

²⁸ Although all modern editions of *Egils saga* have adopted the reading of the manuscript *Wolfenbüttelbók* (WolfAug 9 10 4°, c. 1330–70), where Þórólfr Kveld-Úlfsson is described as 'inn mesti kappsmaðr' (chapter 1, p. 5), *Möðruvallabók* has 'inn mesti kaupmaðr' [the greatest merchant]. There are no reasons to dismiss this reading; Þórólfr's warlike activities do not conflict with mercantile ones (see footnote 23 above). Þórólfr's friends, Þorvaldr ofsi and Þorfiðr strangi, are described as *kappsmenn* (chapter 48, p. 122), but so are Gunnhildr's brothers (chapter 49, p. 123) and Steinarr Qnundarson, who quarrels with Þorsteinn Egilsson (chapter 80, p. 277).

²⁹ As will be discussed later in this chapter, Þórólfr Kveld-Úlfsson repudiates the idea of becoming a *leigumenn* (*Eg*, chapter 6, p. 15) and Björn Ketilsson's speech in *Laxdæla saga* implies that to become a *leigumaðr* of the king is synonymous with

In spite of that, Kveld-Úlfr has a different idea about how to resist Haraldr inn hárfagri; he refuses to fight him back on the grounds of the king's good luck.³⁰ Knowing that the king's luck (*hamingja*) will prevail over his, but not willing to yield to his power, Kveld-Úlfr decides to deny passively Haraldr inn hárfagri's power. He responds with derision to the kings who ask him to join them against King Haraldr, but equally derisive is his answer to King Haraldr upon being summoned to him: “mun ek nú heima sitja ok láta af at þjóna konungum”³¹ [“I will now stay at home and stop serving kings”]. Kveld-Úlfr is supported by his son Skalla-Grímr, who refuses an offer to become a *lendr maðr* in exchange for his allegiance to the king:

“Ekki vil ek”, sagði Grímr, “gerask lendr maðr, meðan faðir minn lifir, því at hann skal vera yfirmaðr minn, meðan hann lifir”.³²

“I do not want”, said Grímr, “to become *lendr maðr* while my father lives, because he must be my superior while he lives”.

Skalla-Grímr's words support the suitability of a traditional model, in which rights had been passed from father to son; the imbalance which King Haraldr's new system causes will precipitate the tragic conflict involving Bárðr, Þórólfr Kveld-Úlfsson and the Hildiríðarsynir described later in the saga.³³ Kveld-Úlfr's attitude is echoed by another man, ‘ríkr ok auðigr’ [powerful and rich] like himself, the *lendr maðr* Yngvarr, who also chooses not to serve King Haraldr:

Maðr hét Yngvarr, ríkr ok auðigr; hann hafði verit lendr maðr inna fyrri konunga, en síðan er Haraldr kom til ríkis, settisk Yngvarr heima ok þjónaði ekki konungi.³⁴

becoming the king's slave (*Laxd*, chapter 2, p. 4). These are the consequences of the loss of *óðal*, the importance of which was discussed in chapter 2. The loss of *óðal* has a crucial place in the portrayal of Haraldr hárfagri's rise to power, not only in *Egils saga*, but in many other Icelandic sagas, as it is shown in Appendix 3.

³⁰ *Eg*, chapter 3, p. 9.

³¹ *Eg*, chapter 5, p. 13.

³² *Eg*, chapter 5, p. 13.

³³ Þórólfr Kveld-Úlfsson is made the legitimate heir of Bárðr, one of the king's men. In consequence, traditional rights on the side of Bárðr's family are disregarded. Bárðr himself had asked the king to agree to his wish of making Þórólfr his heir, but the narrator shows that ultimately it is the king's sanction which prevails: Bárðr's widow, Sigríðr, and her father, Sigurðr, both mention the king's command that Þórólfr be made the legitimate heir (*Eg*, chapter 9, p. 25). Indeed, Þórólfr is made the king's *lendr maðr* and given “allar veizlur þær, sem áðr hafði Bárðr haft” (*Eg*, chapter 9, p. 24) [all the royal revenues which Bárðr had previously] before he has consulted Sigríðr and Sigurðr.

³⁴ *Eg*, chapter 20, p. 49.

There was a man named Yngvarr, powerful and rich; he had become *lendr maðr* under the previous kings, but afterwards, when Haraldr came to power, Yngvarr stayed at home and did not serve the king.

Both Kveld-Úlfr and Yngvarr assert, through their examples, that once it has become impossible to retain the traditional order, it is better to have no king than to adopt a new form of kingship. The disposition of these men portends the fact that those who emigrate to Iceland will not submit to the Norwegian king: Yngvarr's daughter, Bera, marries Grímr Kveld-Úlfsson and they are among the first settlers of Iceland. A short Icelandic exile was enough to turn a Norwegian against the idea of declaring allegiance to Haraldr inn hárfagri: Björn Brynjólfsson, the father of Ásgerðr, whom Þórólfr and then Egill marries, falls out with a Norwegian *hersir* and in consequence is outlawed by King Haraldr. Björn flees to Iceland, the only place where the king's power cannot reach him.³⁵ Eventually, he is reconciled with the *hersir* and returns to Norway, but

gerðisk hann ekki handgenginn konungi; því var hann kallaðr Björn hqldr; var hann maðr vellauðigr ok stórmenni mikit³⁶

he did not become a subject of the king, so he was called Björn *hqldr*. He was a wealthy man and of great rank.

Hqldr is described as a social rank which does not involve submission to the power of the king: it recalls the provision in the *Ólafslög* which prescribes that Icelanders in Norway have *hqldsréttr* (Chapter 2). By making the Icelanders, Þórólfr and Egill, marry the daughter of the Norwegian *hqldr* Björn, the narrative seems to legitimize the Icelanders' claim to a noble, traditional ancestry. Moreover, Iceland is presented as the only place to which Björn can go to avoid Haraldr inn hárfagri's persecution:

Litlu fyrir vetr kom skip til Hjaltlands sunnan ór Orkneyjum; sögðu þeir þau tíðendi, at langskip hafði komit um haustit til eyjanna; váru þat sendimenn Haralds konungs með þeim ørendum til Sigurðar jarls, at konungr vildi drepa láta Björn Brynjólfsson, hvar sem hann yrði áhendr, ok slíkar orðsendingar gerði hann til Suðreyja, allt til Dyflinnar. Björn spurði þessi tíðendi ok þat með, at hann var útlægr gorr í Nóregi. En þegar er hann hafði komit til Hjaltlands, gerði hann brúðlaup til Þóru; sátu þau um vetrinn í Móseyjarborg. En þegar um várit, er sjó

³⁵ *Eg*, chapters 32–33, pp. 83–87.

³⁶ *Eg*, chapter 41, p. 104.

tók at lægja, setti Björn fram skip sitt ok bjó sem ákafligast; en er hann var búinn ok byr gaf, sigldi hann í haf; fengu þeir veðr stór ok váru litla stund úti, kómu sunnan at Íslandi.³⁷

A little before winter, a ship came north to Shetland from the Orkneys. They were told the news that a longship had come to the islands during the autumn: these men were King Haraldr's envoys with the message to *jarl* Sigurðr that the king wanted Björn Brynjólfsson killed wherever he might be taken, and similar messages had been sent to the Hebrides, and all the way to Dublin. Björn heard this news and also that he had been made an outlaw in Norway. And as soon as he arrived in Shetland, he married Þóra; they stayed in Mousa Broch during the winter. And as soon as it was spring, when the sea began to abate, Björn launched his ship and got it ready as quickly as possible; and when he was ready and the wind was fair, he sailed out to sea; they got strong winds and were on the open sea for a little while, [and] came north to Iceland.

It is possible that the passage demonstrates an awareness that, as discussed in Chapter 2, the *Ólafslög* had changed this condition, allowing the Norwegian kings to prosecute in Iceland crimes that had been committed in their realm.³⁸

The account of Haraldr inn hárfagri's rise to power triggers the action, reinforces the role of tradition, and engenders the ideological motivation which informs the whole narrative. The new, centralized kingship which is born with Haraldr inn hárfagri disturbs the harmony based upon traditional structures; his reign also provides an explanation for the settlement of Iceland, and it is of crucial importance in *Egils saga* because it leads to Egill's family being forced to leave Norway and settling in Iceland. These questions are ideologically linked; in fact, cause and consequence are so interwoven within the narrative as to make it impossible to separate them. In this way, the departure of Egill's family from Norway is the culmination of the conflict that was started by Kveld-Úlfr. As has been mentioned, Kveld-Úlfr refuses to fight King Haraldr. Þórólfr Kveld-Úlfsson, despite his father's disapproval, became "handgenginn konungi ok gekk þar í hirðlög"³⁹ [a subject of the king and joined the royal

³⁷ *Eg*, chapter 33, pp. 85–86.

³⁸ See the episode in *Njáls saga* involving Þráinn Sigfússon and *jarl* Hákon Sigurðarson, analysed in Section 6.2 above.

³⁹ *Eg*, chapter 8, p. 20. The *hirðlög* means, literally, the laws and statutes of the

retinue]. Þórólfr's success in the court will stir up slander, and the king will finally turn against him. On the surface, the killing of Þórólfr may be interpreted as a merely personal (perhaps jealous) reaction on the part of the king.⁴⁰ However, the events which culminate in Þórólfr's death disclose the same struggle between a traditional and a new social order. Wealth and fame are among the reasons why Þórólfr decides to join the king's court,⁴¹ but he also tries to avoid a decline in his own status—he does not want to become a mere *leigumaðr*:

“Ek ætla mik skulu af honum hljóta inn mesta frama, ok til þess em ek fastráðinn, at fara á fund konungs ok gerask hans maðr, ok þat hefi ek sannspurt, at hirð hans er skipuð afreksmönnum einum. Þykki mér þat allfýsiligt at koma í þeira sveit, ef þeir vilja við mér taka; eru þeir menn haldnir miklu betr en allir aðrir í þessu landi. Er mér svá frá sagt konungi, at hann sé inn mildasti af fægjofum við menn sína ok eigi síðr þess qrr at gefa þeim framgang ok veita ríki þeim, er honum þykkja til þess fallnir. En mér spyrsk á þann veg til um alla þá, er bakverpask vilja við honum ok þýðask eigi hann með vináttu, sem allir verði ekki at manna; stökkva sumir af landi á brott, en sumir gerask leigumenn”.⁴²

hirð. Laurence M. Larson, ‘The Household of the Norwegian Kings in the Thirteenth Century’, *American Historical Review*, 13 (1908), 459–79 (p. 461), notes that in the thirteenth-century *Speculum Regale*, the *hirð* is defined as the king's household, “but more specifically this term was used for the most important corps, the members of which were known as ‘hirdmen’ (*hirðmenn*)”. I translate *hirðmaðr* as, generically, a member of the king's retinue.

⁴⁰ John Hines, ‘Kingship in *Egils saga*’, in *Introductory Essays on ‘Egils saga’ and ‘Njáls saga’*, ed. by John Hines and Desmond Slay (London: Viking Society for Northern Research, 1992), pp. 15–32, emphasizes the personal character of the conflict between King Haraldr and Þórólfr: “Conflict, and the death of Þórólfr, may thus be seen as the determined, fated results of Þórólfr's naivety, which appears in his childlike trust in and longing for a benign, paternal king-figure and his vain love of display and gifts, and of Harald's ambition, to rule all of Norway, and to rule alone” (p. 22). Similarly, Baldur Hafstað, *Die ‘Egils saga’ und ihr Verhältnis zu anderen Werken des nordischen Mittelalters* (Reykjavík: Rannsóknarstofnun Kennaraháskóla Íslands, 1995) believes that Þórólfr is dazzled by King Haraldr and that this leads to his fall (pp. 22–23). Theodore M. Andersson, *The Icelandic Family Saga: An Analytic Reading*, Harvard Studies in Comparative Literature, 28 (Cambridge, MA: Harvard University Press, 1967) understands Þórólfr's fall as the result of his “uncompromising adherence to the dictates of honor and loyalty” (p. 107); see also his ‘The Displacement of the Heroic Ideal in the Family Sagas’, *Speculum*, 45 (1970), 575–93 (pp. 577–78), repr. in *Sagas of the Icelanders: A Book of Essays*, ed. by John Tucker, Garland Reference Library of the Humanities, 758 (New York: Garland, 1989), pp. 40–70.

⁴¹ *Eg*, chapter 6, pp. 14–15.

⁴² *Eg*, chapter 6, p. 15.

“I think I shall get the greatest advancement from him, and for that I am determined to go to meet the king and become his man, and I have true intelligence that his *hirð* is made up only from valiant men. It seems to me most desirable to come into his company, if they want to accept me; these men are better looked after than any others in this country. I have heard about the king, that he is extremely generous in giving money to his men and no less liberal in giving promotion and granting power to those whom he considers suited for it. And I have heard this about all who want to turn their backs on him and do not join him in friendship, that all turned out not to be men; some escape the country, and some become *leigumenn*”.

Þórólfr realizes that his allegiance to the king is simply the price he has to pay for his project of becoming what he was destined by birth to be—to become, after his father, a *lendr maðr*. In the king’s *hirð*, he becomes a powerful man, is made a *lendr maðr* and soon discovers that it is very costly to be a powerful man:

Þórólfr var qrr maðr ok stórmenni mikit; hafði hann um sik sveit mikla, en brátt gerðisk kostnaðarmikit ok þurftu fong mikil.⁴³

Þórólfr was a generous man and of great rank; he kept a large company of men around himself, but this soon became very costly and a great quantity of provisions was needed.

Under King Haraldr’s reign, though, this kind of leadership—fashioned after the traditional model—cannot be accepted. In *Egils saga*, the conflict between Haraldr inn hárfagri and Þórólfr Skalla-Grímsson makes it clear that the king is not ready to accept any traditional form of concentration of power.⁴⁴ Kveld-Úlfr had grasped this problem before, when he advised Þórólfr that he should behave with moderation in the king’s court:

⁴³ *Eg*, chapter 9, p. 26. Perhaps Þórólfr Kveld-Úlfsson is portrayed with royal characteristics in order to emphasize that his type of leadership is dangerous to the king. Þórólfr’s physical characteristics in the saga are similar to the depiction of kings in the sagas; for analyses of the portrayals of kings, see Ármann Jakobsson, *Í leit að konungi: konungsmynd íslenskra konungasagna* (Reykjavík: Háskólaútgáfan, 1997), pp. 96–111 and Sverre Bagge, *Society and Politics in Snorri Sturluson’s ‘Heimskringla’* (Berkeley: University of California Press, 1991), pp. 146–51. Þórólfr’s last words reveal an essential quality of his character, as has been suggested by Joseph C. Harris, ‘Beowulf’s Last Words’, *Speculum*, 67 (1992), 1–32 (p. 5). Þórólfr says, “Nú gekk ek þremr fótum til skammt” (*Eg*, chapter 22, p. 54) [“I’ve now come three paces short”], while falling at the feet of the king, who has given him a death blow.

⁴⁴ Different views are expressed in *Haraldr saga ins hárfagra*; see Section 7 below.

“Ekki óttumk ek þat, þóttú komir í sveit með hirðmönnum Haralds, at eigi þykkir þú hlutgengr eða jafn inum fremstum í öllum mannaunum; varask þú þat, at eigi ætlir þú hóf fyrir þér eða keppisk við þér meiri menn; en eigi muntu fyrir vægja at heldr”.⁴⁵

“I do not fear that if you join the army with the men of Haraldr’s *hird*, you will not be considered capable or as good as the best among them in all adversities. Beware that you do not think yourself beyond measure or contend with men greater than yourself, but do not give way to them either”.

Þórólfr fails to show moderation and then leaves open the way for his enemies; crucially, his ostentation challenges royal power and Haraldr inn hárfagri is able to see the dangers which Þórólfr poses to his own power. The fall of Þórólfr consolidates Haraldr inn hárfagri’s power and his position as the sole king of Norway; their conflict shows how uncertain, and still embryonic, King Haraldr’s centralized power was thought to be.⁴⁶ Besides, Þórólfr’s rise and fall in the king’s court diverts attention from Kveld-Úlfr’s anti-heroic response; it also incites the narrative which was brought to a deadlock with Kveld-Úlfr’s refusal to fight the king. Þórólfr disapproves of his father’s attitude towards Haraldr inn hárfagri:

“Þikki mér þat undarligt, faðir, um svá vitran mann sem þú ert ok metnaðargjarnan, er þú vildir eigi með þökkum taka vegsemð þá, er konungr bauð þér. En ef þú þykkisk vera forspár um þat, at vér munim hljóta af konungi þessum ófarnað ok hann muni vilja vera várr óvinr, hví fórtu eigi þá til orrostu í móti honum með konungi þeim, er þú ert áðr handgenginn? Nú þykki mér þat ósæmiligast, at vera hvárki vinr hans né óvinr”.⁴⁷

“It seems strange to me, father, that a man as wise as you are, and so full of ambition, should not be grateful to accept the honour the king has offered you. But if you consider yourself far-sighted about it, that we will get misfortune from this king and he will wish to be our enemy, why then did you not go to fight against him with the king whose subject you were before? Now, it seems to me most dishonourable to be neither his friend nor his enemy”.

⁴⁵ *Eg*, chapter 6, p. 15.

⁴⁶ Carlo Albani, *L’istituto monarchico nell’antica società nordica*, Pubblicazioni della Facoltà di lettere e filosofia dell’Università di Milano, 49 (Florence: La Nuova Italia, 1969), p. 170, believes that this is one of the saga’s insights into the historical conditions of the time: the clash between Þórólfr Kveld-Úlfsson and Haraldr inn hárfagri reveals the fragility of the king’s newly-born political unity.

⁴⁷ *Eg*, chapter 6, p. 15.

Þórólfr's words recall the dilemma posed by Sölvi klofi's in the face of Haraldr inn hárfagri: to defend one's property and freedom or to submit to the King. However, despite protesting against Haraldr inn hárfagri, Kveld-Úlfr does not tackle that dilemma; his passive resistance is both an anti-heroic response to an heroic project and an anticlimax to the events of the narrative. Perhaps, though, the presentation of such an anticlimax is necessary, because of the constraints imposed by certain traditional narratives,⁴⁸ and also the narrative's adherence to certain historical facts (such as the settlement of Iceland). An awareness of and adherence to these historical conditions is hinted at by the words 'ef þú þykkisk vera forspár um þat' [if you consider yourself far-sighted about it]. Indeed, it seems that Þórólfr's question is addressed directly to the saga's audience, who, with knowledge of the traditional narratives about Haraldr inn hárfagri's conquest of Norway, would understand the foolishness of Þórólfr's question. The tradition of Haraldr's invincibility in battle, and the fact that the saga will show Kveld-Úlfr's descendents in the context of the settlement of Iceland, mean that the narrative cannot show Kveld-Úlfr fighting Haraldr and dying. The presentation of Kveld-Úlfr's choice is bounded by the need to present certain historical facts within traditional narratives; it arises because the narrative is so historically conditioned.

Analysed in its multiple perspectives, Þórólfr's allegiance to Haraldr inn hárfagri does not radically oppose the sentiments expressed by those who are against the king, such as Þórólfr's father and brother. Þórólfr attempts to regain what, by right of birth and tradition, he is entitled to; even if his project does not succeed, he shows the way for generations of Icelanders to come. Vésteinn Ólason detects in the saga an antagonism between the honour of those chieftains who oppose King Haraldr and those who become his subjects.⁴⁹ However, the example of Kveld-Úlfr and his family demonstrates that the relation between those chieftains and the king is far more complex and transcends that antagonism. Kveld-Úlfr cannot dispense with Þórólfr; they do not represent a dichotomy, but rather the same sentiment

⁴⁸ For example, the accounts of Haraldr inn hárfagri's conquest of Norway found in sagas such as *Haralds saga ins hárfagra* in the manuscript *Fríðsbók*, analysed in Section 7 below.

⁴⁹ Vésteinn Ólason, 'Jörvíkurför í *Egils sögu*: Búandkarl gegn konungi', *Andvari*, 116 (1991), 46–59 (p. 50).

expressed in different ways. Later in the saga, the brothers Þórólfr and Egill Skalla-Grímsson will also represent a twofold expression of the same sentiment. Ármann Jakobsson maintains that

Egils saga is, of course, the primary example of an Icelandic saga that seems directly hostile to the institution of kingship. In *Egils saga*, those who serve kings loyally (the two men named Þórólfr) perish, whereas those who either refuse to serve any king (Skalla-Grímur) or the Norwegian king in particular (Egill) enjoy good fortune in life.⁵⁰

That, however, is not the case, since Egill serves, though as a mercenary, the English king, Aðalsteinn, and offers to serve the Norwegian king, Hákon Aðalsteinsfóstri.⁵¹ Preben Meulengracht Sørensen argues that Egill Skalla-Grímsson “has often been understood as a manifestation of Icelandic identity confronted by the power of the Norwegian king”,⁵² and Vésteinn Ólason asserts that

the independence of chieftains in Norway is thus presented in the saga as a revolt against royal authority and a realistic choice of an honourable life for themselves beyond the reach of Norwegian royal power.⁵³

Yet the relation between Egill and Norwegian royal power cannot be described in such absolute terms. Rather than expressing an opposition to Norwegian royal power, the account of the settlement emphasizes that the powerful Norwegian men opposed Haraldr inn hárfagri’s usurpation of their ancestral rights. (It must be noted that these powerful men, such as Kveld-Úlfr and Yngvarr, served kings before King Haraldr.) The relation between Kveld-Úlfr’s family and Haraldr inn

⁵⁰ Ármann Jakobsson, ‘Royal Pretenders and Faithful Retainers: The Icelandic Vision of Kingship in Transition’, *Gardar*, 30 (1999), 47–65 (p. 50). See also Gert Kreutzer, ‘Das Bild Harald Schönhaars in der altisländischen Literatur’, in *Studien zum Altgermanischen: Festschrift für Heinrich Beck*, ed. by Heiko Uecker, *Ergänzungsbande zum Reallexikon der germanischen Altertumskunde*, 11 (Berlin: de Gruyter, 1994), pp. 443–61. Jakobsson’s article concentrates on the accounts of the relations between Icelanders and the Norwegian kings in some *Íslendingasögur*, while Kreuzer’s article concentrates on the depiction of Haraldr inn hárfagri in the sagas. These themes are the main topic of the present chapter, but Jakobsson and Kreuzer select their material according to a chronological classification of their sources which, though traditional, deserves re-examination. Their conclusions suggest that the mediaeval view of the relations between Icelanders and the Norwegian kings develops in a linear, chronological fashion, a conclusion which I argue against here.

⁵¹ *Eg*, chapters 50–56, pp. 127–63 and chapter 63, p. 198.

⁵² Preben Meulengracht Sørensen, ‘Starkaðr, Loki and Egill Skallagrímsson’, in *Sagas of the Icelanders: A Book of Essays*, ed. by John Tucker, *Garland Reference Library of the Humanities*, 758 (New York: Garland, 1989), pp. 146–59 (p. 154).

⁵³ Ólason, *Dialogues*, p. 192.

hárfagri unfolds in the dealings between the first generations of Icelanders and the Norwegian court: the honour which drives the Norwegians away to Iceland attracts the Icelanders to the Norwegian court. Like Þórólfr Kveld-Úlfsson, Icelanders go to Norway in order to regain what was taken from their ancestors; in order to legitimize their claim, they are portrayed as guardians of these ancestors' traditions. In Norway, Icelanders realize that the traditional order has been finally superseded and this recognition affirms their own Icelandic identity.⁵⁴ In this scheme, Egill is not portrayed as "the last of an epoch";⁵⁵ on the contrary, he inaugurates a new one.

Appendix 3 of this study presents passage from the *Íslendingasögur* that describe Haraldr inn hárfagri and his conflict with the Norwegians who left for Iceland. In these passages, the words are highlighted that relate to the loss of *óðal* (*flýja óðul sín*, *flýja eignir sínar*, *þrirláta óðul sín*), which noble, high-born men (*goðgir menn*, *gildir menn*, *stórmenn*, *ágetir menn*, *stór ætt*, *tignir menn*, *virðingamenn*, *stórvirkir*) suffered because of Haraldr inn hárfagri's tyranny (*ánaudðarok*, *ófriðr*, *ofríki*, *yfirgangr*, *ójafnaðr*, *ágangr*, *álaga*, *ánaudðarok*). Notwithstanding semantic differences and nuances in the registers of the narratives, the recurrence of words related to the loss of *óðal*, to the flight of noble men to Iceland and to Haraldr's tyranny, shows that in these accounts, the sentiments emphasized by the description of the settlement of Iceland in *Egils saga* reappear: the loss of *óðal* which Haraldr inn hárfagri's rule forces upon the high-born Norwegians, which in turn affirms the nobility of the Icelanders' ancestry. This shows that the presentation of the settlement as it appears in *Egils saga* belongs to an established tradition which can be observed in several other sagas. As discussed in Chapter 1, we cannot know with any certainty whether or not

⁵⁴ Vésteinn Ólason, 'Jorvik Revisited: With Egil Skalla-Grimsson', *Northern Studies*, 27 (1990), 64–76, calls attention to Hans E. Kinck's view on this subject. Kinck saw the relation between Icelanders and Norway depicted in the saga as stemming from an unresolved conflict caused by the forced emigration. Ólason argues that for Kinck's views to be taken into account, the 'trauma' caused by the emigration would have not only survived for many centuries but also "found expression not only in *Egils saga*, but in the general attitude to Norway in Old Icelandic literature" (p. 75, fn. 10). He says that was not the case, and that Kinck's view can only be partially applied to *Egils saga*. See Hans E. Kinck, 'Et par ting om ættesagaen: skikkelser den ikke forstod', in *Samlede essays*, 4 vols (Oslo: Aschehoug, 1982–85), I, pp. 171–96 (pp. 183–84).

⁵⁵ Harris, 'Saga as Historical Novel', p. 213.

this account of the settlement corresponds to the real facts, or how far it was considered to be genuine by its thirteenth- and fourteenth-century narrators and audiences. On the other hand, the sagas testify that the settlement of the country was considered an important event and it seems unlikely that the traditions that related to it should have originated only three hundred years later.

The ownership of *óðal*, and the power which it confers, for example, has a central place in the characterization of the conflict between King Haraldr and the powerful men who eventually emigrate to Iceland. As seen in Chapter 2 of this study, Icelanders might have retained their rights of *hóldar*—that is, those who owned *óðal*—in Norway for a long period, perhaps even up to the thirteenth century. For the thirteenth- and fourteenth-century Icelandic audiences, this account of the settlement would confirm their high-born ancestry. If the tradition that places Haraldr inn hárfagri's oppression as the main cause of the settlement of Iceland was a conscious recreation, a possible 'version' which thirteenth- and fourteenth-century Icelanders could happily accept as true, it is worth searching for reasons why this version could have been accepted as such. An analysis of the correspondences between the account of the settlement in *Egils saga* and that in other sagas of *Möðruvallabók* may help us to understand this tradition, and how different saga narratives follow or incorporate it.

4 *Haraldr inn hárfagri and the settlement of Iceland in the other texts of Möðruvallabók*

As in *Egils saga*, reasons why the Norwegians went to seek new land are given in *Laxdæla saga* at the very beginning of its narratives. Haraldr inn hárfagri's rise to power is described in chapter 2:

Á ofanverðum dögum Ketils hófsk ríki Haralds konungs ins hárfagra, svá at engi fylkiskonungr þreifsk í landinu né annat stórmenni, nema hann réði einn nafnbótum þeira.⁵⁶

⁵⁶ *Laxd.* chapter 2, p. 4.

In the latter years of Ketill's life, King Haraldr inn hárfagri rose to power, so that neither a *fylkiskonungr*⁵⁷ nor any other man of rank throve in the country unless he conferred their rank upon them.

In response to this threat, Ketill flatnefr decides to leave the country; he addresses his family in a speech which echoes that of Sölvi klofi to persuade King Arnviðr to fight against King Haraldr:

“Kunnig hafa yðr verit skipti vár Haralds konungs, ok þarf eigi þau at inna, því at oss berr meiri nauðsyn til at ráða um vandkvæði þau, er vér eigum fyrir höndum. Sannspurðan hefi ek fjándskap Haralds konungs til vár; sýnisk mér svá, at vér [munim eigi þaðan trausts biðja];⁵⁸ lízk mér svá, sem oss sé tveir kostir gørvir, at flýja land eða vera drepnir hverr í sínu rúmi. Em ek ok þess fúsari, at hafa slíkan dauðdaga sem frændr mínir, en eigi vil ek yðr leiða í svá mikil vandkvæði með einræði mínu, því at mér er kunnigt skaplyndi frænda minna ok vína, at þér vilði eigi við oss skiljask, þótt mannraun sé í nökkur at fylgja mér”.⁵⁹

“Our dealings with King Haraldr are known to you, and there is no need to tell them, because it is more urgent for us to decide about the problems which we have on our hands. I have true intelligence of King Haraldr's hostility towards us; it appears to me that we [should not expect any help from there]. It seems to me that we have two choices, to flee the country, or be killed off, each in his own bed. I would much prefer to end my days as my kinsmen have done, but I do not wish to lead you to such problems from my self-will, because I know the disposition of my kinsmen and friends—that you would not wish us to separate, despite the adversities that following me might bring”.

As in *Egils saga*, Ketill flatnefr's speech emphasizes that Haraldr inn hárfagri intends to disturb their traditional way of life; Ketill uses the words ‘at hafa slíkan dauðdaga sem frændr mínir’ [to end my days as my kinsmen have done], which echo the words *gamals aldri* in Sölvi's speech—‘at deyja í konungdómi með sömð, heldr en gerask

⁵⁷ In *Egils saga*, the term *konungr* is applied both to characters such as Húnþjófr and Arnviðr (mentioned in section 3 above), and to Haraldr inn hárfagri, but the latter was to become the “einvaldskonungr yfir Nóregi” (chapter 3, p. 7) [the sole king over Norway]. In *Laxdæla saga*, Ketill flatnefr is a “hersir ríkr í Nóregi” (chapter 1, p. 3) [powerful *hersir* in Norway], and the saga makes a distinction between *konungr*, used in the passage exclusively in reference to Haraldr inn hárfagri, and *fylkiskonungr*, which probably refers to kings such as Húnþjófr and Arnviðr. *Laxdæla saga*, therefore, seems to organize the social strata. In *Egils saga*, a former *konungr* who submits to King Haraldr is given the title of *jarl* (*Eg*, chapter 3, p. 7).

⁵⁸ Compare to *Möðruvallabók*, II, fol. 157r: “eigi þaðan trausts fá” [will get no help from there].

⁵⁹ *Laxd*, chapter 2, p. 4.

undirmaðr annars konungs á gamals aldri' [to die with dignity as a king, rather than becoming the underling of another king in his old age].⁶⁰ His speech also expands the idea already contained in the initial remark, that Ketill hears the news that Haraldr inn hárfagri

hafði honum slíkan kost ætlat sem ǫðrum ríkismönnum, at hafa frændr óboetta, en gǫrr þó at leigumanni sjálfr.⁶¹

intended to offer him the same terms as he gave to the other powerful men—not to be compensated for the death of their kinsmen and yet to be made a *leigumaðr*.

The reference to the compensation system anticipates the importance of the theme of avenging and paying compensation for fallen kinsmen, as it appears later in the saga; Haraldr inn hárfagri's new form of government threatens to break the harmony of this traditional system. In addition to the demise of the legal system of compensation, Ketill warns of the risk of being made a *leigumaðr*, indicating that under Haraldr inn hárfagri the system of inherited *óðal* property is also being threatened. The term *leigumaðr* has the same ominous connotations as it has in *Egils saga*.

On the other hand, *Laxdæla saga* presents a dilemma different from that presented in *Egils saga* through the words of Sólvi klofi: 'at verja fē yðvart ok frelsi' [to defend your property and freedom] or 'at ganga með sjálfvilja í ánauð ok gerask þrælar Haralds' [to go of their own accord into bondage and become Harald's slaves]. In *Laxdæla saga*, it seems that King Harald's success is well known and there is no mention of fighting against him; Ketill flatnefr says that they can 'flýja land eða vera drepnir hverr í sínu rúmi' [flee the country, or be killed off, each in his own bed]. The brief remarks about King Harald's hostility is enough to support both Ketill and his son, Björn, whose decision to flee the country (*flýja land þetta*), following the example of other noble men (*gofugir menn*), is praised:

"Skjótt mun ek birta minn vilja. Ek vil gera at dœmum gofugra manna ok flýja land þetta; þykkjumk ek ekki af því vaxa, þótt ek biða heiman þræla Haralds konungs, ok elti þeir oss af eignum várum, eða þiggja af þeim dauða með ǫllu". At þessu var gǫrr góðr rómr, ok þótti þetta drengiliga talat.⁶²

⁶⁰ *Eg*, chapter 3, p. 8; see Section 3 above.

⁶¹ *Laxd*, chapter 2, p. 4.

⁶² *Laxd*, chapter 2, p. 4.

“I will reveal my wishes at once. I want to follow the example of [other] noble men and flee this country; I do not think it will increase [my honour] to wait at home for King Haraldr’s slaves to chase us off our properties or be killed outright by them”. These words were cheered and were considered bravely spoken.

The summarized way of introducing King Haraldr’s rise to power and the subsequent heroic flight of noble Norwegians seems to indicate that it was well-known that King Haraldr’s oppression (*ánaud*) and enslavement (*áþján*) caused the Icelanders’ ancestors to seek to retain their freedom and honour in another land.

For both *Laxdæla saga* and *Egils saga*, the Norwegians who left the country were not seeking to construct a different society in Iceland; they decided to leave their country because they were not allowed to live as their ancestors lived. Though they were breaking away from their homeland, they were not giving up their customs and beliefs. It is crucial to grasp the meaning of this first movement from Norway to Iceland, since it will be developed in later episodes, namely in the travels of Icelanders to the Norwegian court.

The powerful confrontation which is presented at the beginning of both *Egils saga* and *Laxdæla saga* anticipates the disastrous conflicts involving King Haraldr and his followers. The dramatic introduction of King Haraldr in both sagas is a result of an established tradition, which is observed in other *Íslendingasögur*.⁶³ On the other hand, the relationship between Norwegian kings and the Norwegians who left the country (and their Icelandic descendants) is not depicted in an unambiguous light. Indeed, it is difficult to outline the role of kingship within the sagas of *Möðruvallabók* as a whole and even within each of the sagas individually. It is necessary to analyse each particular case where kings are involved in order to discover the significance of their relationship with Icelanders.

In *Kormaks saga*, the significance of royalty varies individually from king to king. King Haraldr is introduced in the first chapter, in which the hero’s grandfather, a *høfðingi* [chieftain] is described as the king’s man:

⁶³ See Appendix 3. The dramatic introductions to the sagas also demonstrate that any formalist analysis of saga narratives must be balanced against a consideration of their ideological and historical framework. An example of such a formalist scheme is proposed by Theodore M. Andersson (especially in *The Icelandic Family Saga*), who makes both *Egils saga* and *Laxdæla saga* conform to the pattern of introduction, conflict, climax, reconciliation and aftermath.

Haraldr konungr inn hárfagri réð fyrir Nóregi, þá er saga sjá gerðisk. Í þann tíma var sá höfðingi í ríkinu, er Kormákr hét, víkverskr at ætt, ríkr ok kynstórr; hann var inn mesti garpr ok hafði verit með Haraldi konungi í mörqum orrostum.⁶⁴

When this saga starts, King Haraldr inn hárfagri ruled over Norway. At that time, there was a chieftain in the kingdom who was named Kormákr, whose family was from Vík, powerful and well born; he was the bravest of men and had been with King Haraldr in many battles.

Kormákr's son, Qgmundr, goes on viking raids in the summer and spends the winter with the king. Although he and Kormákr are on good terms with King Haraldr, they are finally forced to leave the country for Iceland when King Eiríkr blóðøx succeeds him:

Í þann tíma andaðisk Haraldr konungr hárfagri, ok tók ríki Eiríkr blóðøx. En Qgmundr vingaðisk ekki við þau Eirík ok Gunnhildi, ok býr Qgmundr skip sitt til Íslands.⁶⁵

At that time, Haraldr inn hárfagri died and Eiríkr blóðøx rose to power. But Qgmundr did not become friends with Eiríkr and Gunnhildr, and Qgmundr made his ship ready for Iceland.

One generation later, friendly relations between the Norwegian king and the family are re-established with Kings Hákon Aðalsteinsföstri⁶⁶ and Haraldr gráfeldr.⁶⁷

Although the relationship between these characters and the kings is different, the reason for leaving Norway to settle in Iceland is once more explained as the result of a confrontation with royal power. Similarly, *Hallfredar saga* tells of a viking, Sokki, who, as a friend of the sons of Gunnhildr, raids and burns the properties of two powerful men in Norway. Óttarr, Hallfredr's father, survives the attack and when the sons of Gunnhildr rise to power in Norway, he is forced to go to England. After avenging his father, he finally goes

⁶⁴ *Korm*, chapter 1, p. 203.

⁶⁵ *Korm*, chapter 2, pp. 204–05.

⁶⁶ “Í þann tíma réð Hákon Aðalsteinsföstri Nóregi. Þeir bræðr fóru skjótt á konungs fund; tók konungr vel við þeim; váru þeir þar um vetrinn vel virðir” (*Korm*, chapter 18, p. 266) [At that time, Hákon Aðalsteinsföstri ruled Norway. The brothers went to meet the king immediately; the king received them well; they stayed there, in good esteem, during the winter].

⁶⁷ “Hákon var látinn, en Haraldr gráfeldr í stað kominn. Vingask þeir við konung” (*Korm*, chapter 19, p. 267) [Hákon was dead, and Haraldr gráfeldr had taken his place. He and the king became friends].

to settle in Iceland.⁶⁸ Indirectly, then, it is the disharmony with royal power that compels Hallfreðr's father to flee Norway and settle in Iceland. These episodes, though, do not have the collective emphasis which permeates the account of Haraldr inn hárfagri's rise to power in *Egils saga* and *Laxdæla saga*. The settlement of Iceland, which evolves from it, is not described in terms of the strife of a number of individuals, but above all as a crucial moment of Norwegian and Icelandic history. Its essence and importance is revealed in several accounts of Icelanders going abroad (especially to the Norwegian court), to claim their new status as the true guardians of Norwegian traditions and to reclaim their old noble status.

According to *Egils saga*, the conflict between Haraldr inn hárfagri and powerful Norwegian chieftains brought about the settlement of Iceland. This conflict represents the confrontation of two emergent social orders, one based on ancestral traditions which the emigrants intended to consolidate in Iceland, and the other based on a quasi-feudal model which is to be established in Norway.⁶⁹ The introduction of Haraldr inn hárfagri in *Laxdæla saga* corroborates this main argument. Both saga narratives tell that the king coercively installed a new form of government which left three choices open to his adversaries: to fight against his tyranny, passively or actively, to accept death at his hands, or to flee the country. A fourth choice was given to those men who chose to submit to his power and gave up their freedom: to become the king's slaves. Although most of the sagas of *Möðruvallabók* do not include the account of Haraldr inn hárfagri's rise to power in their narrative, this tradition is supported by a similar description of Haraldr inn hárfagri in *Laxdæla saga*, and also by the accounts in *Hallfreðar saga* and *Kormaks saga* about high-born Norwegians who left for Iceland because of conflicts with royal power. *Finnboga saga*, however, presents a subtle exception to this tradition. An analysis of how the settlement of Iceland is presented in *Finnboga saga* may help us to understand that the sentiments associated with the settlement of Iceland, introduced at the very beginning of *Egils saga* and *Laxdæla saga*, are highly significant to the saga's narratives.

⁶⁸ *Hallfr*, chapters 1–2, pp. 135–42.

⁶⁹ See also Sørensen, *Fortelling og ære*, p. 129.

5 *Finnboga saga and the settlement of Iceland*

Finnboga saga seems to subvert the tradition about the settlement of Iceland which has been analysed up to this point. In the brief exposition of the reasons which led Finnbogi's father, Ásbjörn, to leave Norway, the narrative apparently tries to conceal the name of the Norwegian king or chieftain who is causing Ásbjörn trouble:

Ásbjörn var norrænn at ætt ok inna ágæztu manna. Hann hafði stokkit út hingat fyrir valdsmönnum ok þoldi eigi þeira ójafnað ok endemi sem margr annarr gildir maðr.⁷⁰

Ásbjörn was of Norwegian lineage and of the greatest renown among men. He had fled to this place [i.e. Iceland] because of the men in power and he could not bear their tyranny and outrage, like many other worthy men.

The use of the words 'stokkit', 'þoldi eigi' and 'ójafnað' invokes the descriptions about Haraldr inn hárfagri's rise to power which were examined previously.⁷¹ It is also said that Ásbjörn was a settler of Iceland ('landnámsmaðr'),⁷² and therefore his flight to Iceland, according to mediaeval Icelandic chronology,⁷³ is probably being described as occurring in the period between the years 870 and 930. In chapter 10, *jarl* Hákon Sigurðarson is introduced as the new ruler of Norway,⁷⁴ at which time Ásbjörn's son, Finnbogi, is sixteen years old.⁷⁵ It is possible that the narrator avoids naming the king who drives Ásbjörn away from Norway because of chronological problems, but it may also be that he does not want to give prominence to the reign of Haraldr inn hárfagri. It does not seem, though, that the Norwegian nobility is being spared from criticism, as the narrative lays stress on the unpopularity of *jarl* Hákon Sigurðarson among chieftains of other countries.⁷⁶ The essential point, as has been said,

⁷⁰ *Finnb.*, chapter 1, p. 253.

⁷¹ See also Appendix 3.

⁷² *Finnb.*, chapter 1, p. 254.

⁷³ See *Íslb.*, chapters 1–3, pp. 4–9 and *Ldn.*, pp. 31–33.

⁷⁴ "Þenna tíma réð Hákon jarl fyrir Nóregi" (*Finnb.*, chapter 10, p. 270) [At that time, *jarl* Hákon ruled over Norway].

⁷⁵ *Finnb.*, chapter 10, p. 272.

⁷⁶ *Jarl* Hákon tells Finnbogi, "Nú þó at ek sé ríkr ok víðfrægr, þá em ek þó ekki vinsæll af höfðingjum í öðrum löndum; þykir ek vera nökkut harðráðr ok helzti svikall" (*Finnb.*, chapter 18, p. 286) ["Now, although I am powerful and famous, I am not at all popular among the rulers in other countries; I am considered

is that the presentation of Haraldr inn hárfagri as a tyrant, who forces eminent Norwegian families to flee to Iceland, entails ideas and attitudes which *Finnboga saga* apparently does not share.

Indeed, there is a sentiment close to ‘pride in being Norwegian’ throughout the saga.⁷⁷ In several passages, Finnbogi emphasizes his Norwegian descent⁷⁸ and on one occasion Hákon jarl Sigurðarson hints that Icelanders are unfaithful:

“Nú muntu vilja fara til Íslands; ferr yðr svá flestum, þegar þér komizt í gildi við höfðingja eða í kærleika, þá vili þér þegar á brott”.⁷⁹

“Now you will want to go to Iceland—most of you do so: as soon as you gain the esteem or friendship of a ruler, you want to go away at once”.

Furthermore, it is noteworthy that the hero—who had been called Urðarkottr by his adoptive parents⁸⁰—receives his name Finnbogi from a Norwegian, who, dying, asks Finnbogi to assume his name: “Þá vil ek gefa þér nafn mitt”⁸¹ [“Then I want to give you my

something of a tyrant and rather treacherous”]; the Greek king says “‘Heyrt hefi ek getit Hákonar jarls ok jafnan at illu, en aldregi at góðu’” (*Finnb*, chapter 19, p. 288) [“I have heard jarl Hákon mentioned, and always for evil, never for good”].

⁷⁷ A general analysis of Icelandic identity as opposed to Norwegian identity is given by Bogi M. Melsteð, ‘Töldu Íslendingar sig á dögum þjóðveldisins vera Norðmenn?’, in *Afmalisrit til Dr. Phil. Kr. Kálunds bókavardar við safni Árna Magnússonar 19 ágúst 1914*, ed. by Hinu íslenska fræðafjelagi í Kaupmannahöfn (Copenhagen: Möller, 1914), pp. 16–33. Chris Callow, ‘Narrative, Contact, Conflict, and Coexistence: Norwegians in Thirteenth-Century Iceland’, in *Scandinavia and Europe 800–1350: Contact, Conflict, and Coexistence*, ed. by Jonathan Adams and Katherine Holman, Medieval Texts and Cultures of Northern Europe, 4 (Turnhout: Brepols, 2004), pp. 323–31, analyses the portrayal of Icelanders and Norwegians in the *Íslendingasögur* and *Sturlunga saga*. See also Sverrir Jakobsson, ‘Defining a Nation: Popular and Public Identity in the Middle Ages’, *Scandinavian Journal of History*, 24 (1999), 91–101 (p. 98).

⁷⁸ “‘Engan hefi ek sét slíkan sextán vetra gamlan, ok vera mun þér fleira vel gefit en vöxtr ok vænleikr, eða er hann íslenzkr, faðir þinn?’ ‘Nei’, segir Finnbogi, ‘hann er heðan af Hálogalandi ættaðr’” (*Finnb*, chapter 10, p. 272) [“I have never seen such a sixteen-year-old as you, and you might have more than just size and beauty, or is your father an Icelander?” “No”, says Finnbogi, “he is from here in Hálogaland”]; “‘Hverr Ásbjörn er faðir þinn?’ Finnbogi segir: ‘Hann er Gunnbjarnarson, norrænn maðr at kyni’” (*Finnb*, chapter 12, pp. 276–77) [“Which Ásbjörn is your father?” Finnbogi says: “He is the son of Gunnbjörn, a Norwegian by descent”]; “Finnbogi sagði til sín; hann kveðst ættaðr í Noregi ok á Íslandi” (*Finnb*, chapter 19, p. 287) [Finnbogi told him: he said he was of Norwegian and Icelandic descent].

⁷⁹ *Finnb*, chapter 18, p. 286.

⁸⁰ *Finnb*, chapter 4, p. 257.

⁸¹ *Finnb*, chapter 9, p. 269.

name”]. It is as Finnbogi that he goes to Norway and, after being greatly tested, he is finally honoured with the *jarl*’s friendship, joins his retinue,⁸² and is so much esteemed by the *jarl* that

þótti öllum mikils háttar, hversu jarl gerði við þenna mann um fram alla aðra, þá er með honum höfðu verit eða til hans komit eða honum þjónat.⁸³

everyone considered it noteworthy how the *jarl* treated this man better than any of the others who had been with him, or had come to him, or served him.

Finnbogi decides to return to Iceland, and news of his return reveals that he “var út kominn með inni mestu sæmd ok fengit ina ágætustu konu af Nóregi”⁸⁴ [had arrived with the greatest honour and had married the most renowned woman in Norway]. The narrative is pointing out that, after his successes abroad, it was expected that Finnbogi should be greatly honoured in Iceland.

However, Finnbogi does not reconcile himself to the enmity and envy of other people. Once in Iceland, he is immediately involved in a quarrel, is forced to leave his farm and loses his children and wife. In Norway, King Óláfr Tryggvason is preaching Christianity and Finnbogi, unhappy in Iceland, thinks of travelling to Norway to “hyggja þeim harmi, er hann hafði beðit”⁸⁵ [forget the sorrows that he had borne]. He is dissuaded from his plans, and marries again, but is soon taking part in successive disputes. Life in Iceland becomes difficult once again and his son Gunnbjörn, who was fostered in Norway, advises him to go to Norway and says that “hann þar mundu vel virðan, hvar sem hann kæmi” [he would be well esteemed wherever he went].⁸⁶ Wherever he went, but not Iceland. In spite of all the problems, Finnbogi remains in Iceland, and eventually succeeds as a “höfðingi ok stjórnarmaðr”⁸⁷ [chieftain and a leader]. In his old age, he manages to redeem the honour he had when in Norway. After his death, his most loved son remains in Iceland to

⁸² *Finnb.*, chapter 17, p. 286.

⁸³ *Finnb.*, chapter 21, p. 291.

⁸⁴ *Finnb.*, chapter 22, p. 291. News of this journey still echoes in chapter 29 of the saga, where it is said of Finnbogi that he was an outstanding man who had made an honourable journey to *jarl* Hákon and married the *jarl*’s best relative.

⁸⁵ *Finnb.*, chapter 29, p. 301.

⁸⁶ *Finnb.*, chapter 38, p. 323.

⁸⁷ *Finnb.*, chapter 38, p. 324.

become the “gildastr bóndi ok formaðr annarra manna” [the worthiest *bóndi* and a leader among men], but Gunnbjörn, the only son of his who ever becomes a powerful man, “kom aldri síðan til Íslands”⁸⁸ [never came back to Iceland after that].

It has been shown that *Finnboga saga* conceals the name of the king or chieftain who committed injustice against Finnbogi’s father, causing him to flee to Iceland. Semantically, though, the brief description of this event recalls the accounts of Haraldr inn hárfagri’s rise to power as seen in *Egils saga* and *Laxdæla saga*.⁸⁹ I hope to have demonstrated that, rather than evading a chronological problem, the narrative may have been designed to avoid introducing the account of Haraldr inn hárfagri’s oppression. This tradition, connecting Haraldr inn hárfagri’s reign to the settlement of Iceland, involves a range of ideas which the narrative does not share. When the Icelandic and Norwegian societies are contrasted, the good characteristics of the latter are emphasized, while the violent and troublesome structure of the former is criticized. However, the saga also tells that the reasons for leaving Norway for Iceland originate in a conflict of power, and in that respect *Finnboga saga* reinforces the tradition of the settlement as seen in *Egils saga*.

6 *Icelanders and the Norwegian court*

There are numerous episodes describing the encounters of Icelanders with Norwegian kings throughout the sagas in *Möðruvallabók*. Some of these meetings may be presented as an opportunity to reaffirm one of the ideas which the aforementioned account of the settlement conveys, that is, the idea that the Norwegians who left for Iceland were concerned to preserve their ancestral traditions, and that in doing so, they legitimized their descendants to reclaim the nobility they were forced to forsake. However, when these descendants go to Norway, they do not find the society of their ancestors, which has been superseded by a centralized society headed by a king. These encounters are of crucial importance because they are the opportunity for Icelanders to affirm their identity. The following analysis

⁸⁸ *Finnb.* chapter 43, p. 340.

⁸⁹ It also recalls other accounts found in many *Íslendingasögur* (see Appendix 3).

deals with the accounts in which Icelanders go to the Norwegian court not only to test themselves, but also to test the king and his followers. The pride which they display in the court is a result of their consciousness of being the guardians of their ancestry and legitimate heirs of the Norwegian nobility. Such episodes have been generally labelled 'travel patterns', after Lars Lönnroth used the phrase in his *Þjáls saga: A Critical Introduction*,⁹⁰ and many scholars have followed and expanded upon Lönnroth's views in their analysis of the sagas. Travel patterns have also been closely analysed within the context of *þettir*. The present analysis is indebted to all of these studies, but it is an attempt to analyse these episodes in the light of a different historical context, which is drawn from the discussions in Chapters 2 and 3.

6.1 *Chieftains in Iceland and Norway*

In *Víga-Glúms saga*, the double function of testing and being tested which the encounter between Icelanders and the Norwegian court provides is clearly perceptible. Glúmr is fifteen years old when he decides to go to Norway. In Iceland, his brother's father-in-law, Þorkell inn hávi, together with his son, Sigmundur, are oppressing him and his mother over a property issue. Glúmr is not ready to fight for his rights in Iceland. In fact, the narrative emphasizes his incapacity to deal with this situation, as well as his underdeveloped features:

En Glúmr skipti sér ekki af um búsfylu, þótti heldr óbráðgörr í uppruna. Hann var fámálugr ok falátr jafnan, hár maðr vexti ok nokkut skolbrúnn, hvítr á hár ok rétthárr, krakligr ok þótti heldr seinligr maðrinn, fór ekki til mannamóta.⁹¹

But Glúmr did not do his share of work on the farm, and was considered rather backward. He was always silent and taciturn; he was a tall man and with a somewhat dark complexion, with straight fair hair, thin and considered rather weak of frame; he did not go to people's meetings.

When the situation worsens, Glúmr tells his mother he would rather try his luck in Norway, where he has noble (*gofugir*) relatives:

⁹⁰ Lars Lönnroth, *Þjáls saga: A Critical Introduction* (Berkeley: University of California Press, 1976).

⁹¹ *Glúm*, chapter 5, p. 15.

“Sé ek, at þroski minn vill engi verða, en þat má vera, at ek hljóta gæfu af gofgum frændum mínum, en ek nenni eigi at þola ágang Sigmundi, en ek sé mik enn vanføeran í mót honum”.⁹²

“I see that I will not attain maturity, but it may be that I will receive luck from my noble relatives. I do not want to endure Sigmundr’s aggression, but I see that I am not yet able to go against him”.

Once in Norway, his own grandfather, the *hersir* Vigfúss, doesn’t honour him in the way he had expected, but he endures this humiliation with great nobility. During a festival, when all the guests are assembled around the table, a *berserkr* arrives and starts provoking the guests. Vigfúss tells people not to react to the *berserkr*’s insults with the words “ok er þat minni læging en taka meira illt af honum” [and that is less of a humiliation than getting something worse from him], and when the *berserkr* asks him whether he considers himself equal to him, Vigfúss answers:

“Þá er ek var ungr ok í víkingu ok vann nokkut til frama, nú veit ek eigi, hvárt ek mætta þá við þik jafnask, en nú hálfu siðr, at ek em gamall ok ørvasi”.⁹³

“When I was young and went on viking expeditions, and won some fame, I do not know whether I might have been a match for you even then; but now that I am old and decrepit, I am half of what I used to be”.

In this passage, the same dichotomy between past and present which permeates the speeches of Sölvi klofi and Ketill flatnefr is discernible. In *Egils saga*, it is shown how Kings Húnþjófr and Arnviðr preferred to die with honour in their kingdom than to become the *undírmenn* of King Haraldr. Vigfúss’s old age, however, is not honourable, as his own words emphasize—*minni læging, gamall ok ørvasi* [less humiliation, old and decrepit]. Nevertheless, he remembers that there was a good time when he was young, the time of Glúmr’s ancestors. This opposition is fully revealed when Glúmr answers to the *berserkr*’s taunt:

“Ok vil ek af því engu við þik jafnask, at út á Íslandi myndi sá maðr kallaðr fól, er þann veg léti sem þú lætr. En hér hefi ek vitat alla beztr orðum stilla”.⁹⁴

⁹² *Glúm*, chapter 5, p. 16.

⁹³ *Glúm*, chapter 6, p. 18.

⁹⁴ *Glúm*, chapter 6, pp. 18–19.

“And I do not want to equate myself with you, because in Iceland a man who behaves the way you behave is called a fool. But here I see that everybody knows how to keep calm”.

Glúmr confirms the idea that the present Norwegian aristocracy is decadent and that only Icelanders are justly able to represent their ancestors' nobility. Though the implication of Glúmr's words is harsh (for he challenges the men's courage to fight a foolish *berserkr*), it does not express a total condemnation of this society, since he will readily accept the honour now conferred on him.⁹⁵ In the same way, Glúmr's father, Eyjólfur, recognizes the worthiness of being at court, but still rejects the opportunity of meeting King Hákon Aðalsteinsfóstri, or other *hofðingjar*:

“Vanfœrr em ek at fylgja konungum, en þó kann vera, at þat gengisk eptir mínum vilja; en þó neita ek því”.⁹⁶

“I am not suited to following kings, though it may be that it will become acceptable to me; all the same I say no to it”.

Relationships between Icelanders and Norwegians are not always described as tense, but still there is a constant duality pervading the narrative: Iceland and Norway represent two distinct traditions, social structures and values.

This duality is further developed in Glúmr's biography, which is centred on his struggle to become at last the “mestr hofðingi í Eyjafirði”⁹⁷ [greatest chieftain in Eyjafjörðr]. He is invited to remain in Norway, where he would inherit properties and gain honour, but he must go back to Iceland to have his character truly tested. Contending with Þorkell inn hávi, he learns that fame in Norway carries little weight in Iceland:

⁹⁵ All the same, there is a suggestion of irony in the way in which Glúmr's reaction to his grandfather's pledges is described: “‘Skal ek nú virða þik, sem okkr sómir’—lézk þat til hafa gengit í fyrstu, at honum sýndisk hann eigi bráðgörviligr;—‘vilda ek þess at bíða, er þú færðir þik með skörungsskap í þína ætt;—leiðir nú hann til sætis hjá sér. Glúmr kvazk þiggja mundu þat sæti, þótt fyrr væri” (*Glúm*, chapter 6, p. 19) [“Now I must honour you, as befits us”—he said that he had let things go that way at first because he [Glúmr] did not seem of promise to begin with—“I wanted to wait until you had won your way into your family with boldness”. Now he led him to a seat beside him. Glúmr said he would have accepted that seat even if it had been offered sooner].

⁹⁶ *Glúm*, chapter 2, p. 6.

⁹⁷ *Glúm*, chapter 28, p. 98.

Dorkell mælti við Glúm: “Þess áttu ván, at menn munu þat eigi sitja þér, ef þú meiðir fê manna, þóttú þykkisk hafa framit þik útanlendis”.

Dorkell said to Glúmr: “You can expect this, that people will not put up with you hurting their livestock, even if you consider that you have distinguished yourself abroad”.⁹⁸

The same idea, that is, that honour in Norway carries little weight in Iceland, transpires in a passage of *Bandamanna saga*, in which Ófeigr Skíðason chooses two men out of a group of ten who are to act as arbitrators in the judgement of his son. Ófeigr turns to Skegg-Broddi Bjarnason and refuses to choose him:

“Þar sitr þú, Skegg-Broddi, en hvárt er þat satt, at Haraldr konungr Sigurðarson mælti þat, þá er þú vart með honum, at honum þóttir þú bezt til konungs fallinn þeira manna, er út hér eru?” Broddi svaraði: “Ópt talaði konungr vel til mín, en eigi er þat ráðit, at honum þótti allt, sem hann talaði.” Þá mælti Ófeigr: “Yfir qðru skaltu konungr en þessu máli, ok kys ek þik frá”.⁹⁹

“There you sit, Skegg-Broddi, but is it true that King Haraldr Sigurðarson said, when you were with him, that you seemed to him, among all men who are out here [in Iceland], the most suitable to be a king?” Broddi answered: “The king often spoke well of me, but it is not certain that he meant everything he said”. Then Ófeigr said: “You can be a king over all other things but this lawsuit, and I vote you out”.

The passage contrasts the honour which a Norwegian king may confer on an Icelander with the honour that Icelanders deem to be appropriate; these are not exactly opposite values, and the distinction between the two is a matter of constant negotiation and consideration within the sagas.¹⁰⁰ The contrast between Norwegian and Icelandic values presented in *Víga-Glúms saga* and in the passage in *Bandamanna saga* corresponds to the tradition which permeates *Egils saga*. As William Sayers remarks about *Egils saga*:

the outsider-insider relationship of the saga can be reconsidered on a larger scale as between Iceland and Norway. Indeed Egill and his family's troubled link with Norwegian rulers is a major determinant of the course of the narrative and embodies a principal theme.¹⁰¹

⁹⁸ *Glúm*, chapter 7, p. 25.

⁹⁹ *Band*, chapter 10, pp. 348–49.

¹⁰⁰ See Hermann Pálsson, ‘*Brands þátr örvá*’, *Gripla*, 7 (1990), 117–30 (pp. 125–29).

¹⁰¹ William Sayers, ‘Poetry and Social Agency in *Egils saga Skalla-Grimssonar*’, *Scripta Islandica*, 46 (1995), 29–62 (p. 31).

Víga-Glúms saga and *Bandamanna saga* do not deal with Haraldr inn hárfagri and his rise to power, yet the sentiments which this tradition conveys are transferred to the relations between Icelanders and the Norwegian nobility. These sentiments are also transferred to the relations between Icelanders and the Norwegian kings, as the analysis in the next section will show.

6.2 *Challenging royal power*

To challenge the members of the Norwegian court is an indirect way of challenging royal power,¹⁰² and in *Víga-Glúms saga* the ideas connected to these conflicts are the same as the ones revealed in the account of the settlement. In the same way, conflicts between the kings themselves and Icelanders in *Laxdæla saga* and *Njáls saga* communicate those sentiments.

In *Laxdæla saga*, Hǫskuldr Dalla-Kollsson is a member of King Hákon Aðalsteinsfóstri's retinue (*hirðmaðr*). He spends alternate winters in Norway with the king and in Iceland on his farm, and when he is more fully introduced in chapter 9, he has already acquired renown.¹⁰³ Hǫskuldr marries the daughter of a powerful and rich man and becomes a great chieftain (*hofðingi mikill*) in Iceland, who lacks neither money nor honour, and after the birth of his children he is in his prime: "Stóð nú ráðahagr Hǫskulds með miklum blóma ok virðingu" [Now Hǫskuldr's life was in full bloom and highly esteemed].¹⁰⁴ However, Hǫskuldr is not entirely contented, for he thinks that something is lacking in his magnificence: "at honum þótti boer sinn húsaðr verr en hann vildi"¹⁰⁵ [it seemed to him that his farm was a worse building than he would have wished]. He then decides to fetch timber for his house in Norway. Consciously or unconsciously, the *topos* of travelling to Norway is presented in its symbolic dimension: Hǫskuldr goes there to have his honour affirmed and augmented in the Norwegian court and—as will be seen—to challenge royal power.¹⁰⁶

¹⁰² Finnbogi kills two of the *jarl's* men and as a result must endure a severe test to gain the *jarl's* trust and become his *hirðmaðr* (*Finnb*, chapters 13–17, pp. 278–286).

¹⁰³ "Var hann nafnfrægr maðr bæði í Noregi ok á Íslandi" (*Laxd*, chapter 9, p. 16) [He was a famous man, both in Norway and in Iceland].

¹⁰⁴ *Laxd*, chapter 9, pp. 18–19.

¹⁰⁵ *Laxd*, chapter 11, p. 21.

¹⁰⁶ The examination, in Chapter 2 above, of the provision in the *Ólafslög* which

Hǫskuldr arrives in Hǫrðaland but instead of going to meet the king, who is in Vík, he chooses to stay with his relatives:

Hann setr upp skip sitt ok átti þar mikinn frænda afla, þótt eigi sé hér nefndir. Þá sat Hákon konungr í Víkinni. Hǫskuldr fór ekki á fund Hákonar konungs; því at frændr hans tóku þar við honum báðum höndum; var kyrrt allan þann vetr.¹⁰⁷

He brought his ship ashore and had a great company of kinsmen there, though they are not named here. At that time King Hákon was in Oslo Fjord. Hǫskuldr did not go to meet King Hákon, because his kinsmen received him with open arms. That whole winter was quiet.

The episode is narrated in an almost impartial manner, but the very mention of the fact that the king is in Vík and that Hǫskuldr does not visit him subverts the course of events that is conventional in such episodes. Besides, the double references to Hǫskuldr's relatives convey the idea that he and his own lineage stand above the king. Indeed, it is not until the following summer that he decides to talk to King Hákon. The words 'sem skapligt var' [as was due] below, which are used to describe this episode, draw the audience's attention not only to Hǫskuldr's previous decision not to see the king, but also to the king's ironic remark:

Síðan gekk Hǫskuldr á fund Hákonar konungs ok kvaddi hann virðuliga, sem skapligt var. Konungr sá við honum ok mælti: "Tekit mundu vér hafa kveðju þinni, Hǫskuldr, þóttú hefðir nokkuru fyrr oss fagnat, ok svá skal enn vera".¹⁰⁸

Afterwards, Hǫskuldr went to meet King Hákon and greeted him respectfully, as was due. The king looked at him and spoke: "We would have accepted your greeting, Hǫskuldr, even if you had welcomed us somewhat earlier, but so it shall be".

Hǫskuldr's behaviour does not have further consequences; the king gives him all the wood he needs, and when he goes back to Iceland, they part on the friendliest terms. This episode shows that Icelanders persistently relate to royal power in their particular way. In the presence of the Norwegian king, Icelandic honour must prevail and Icelandic pride be affirmed.

is concerned with the use of timber and water by Icelanders in Norway also calls attention to this *topos*.

¹⁰⁷ *Laxd*, chapter 11, p. 22.

¹⁰⁸ *Laxd*, chapter 12, p. 25.

Less subtle, though, is the conflict described in a later episode involving King Óláfr Haraldsson and Þorkell Eyjólfsson, who also goes to Norway to fetch wood, but this time to build a church. Like Hǫskuldr, by the time he decides to have his church built in Iceland, Þorkell is a great chieftain (*hofðingi mikill*) who “helt . . . sér mjök til vinsælda ok virðingar” [was determined to become popular and honourable].¹⁰⁹ But unlike Hǫskuldr, as soon as he arrives in Norway, he goes to meet the king—“Þorkell sótti þegar á fund Óláfs konungs”¹¹⁰ [Þorkell went to visit the king immediately]—who in turn gives him a good welcome and holds him in high esteem throughout the winter. When spring comes, Þorkell loads his ship with the wood which the king has given him. He wakes up very early one morning, and starts measuring the wooden beams of a church which has been built for the king:

Þat var einn morgin snimma, at konungr gekk út við fá menn; hann sá mann uppi á kirkju þeiri, er í smíð var [þar í böenum. Hann undraðisk þetta mjök, því at morni var minnr fram komit en smiðar váru vanir upp at standa.]¹¹¹ Konungr kenndi manninn; var þar Þorkell Eyjólfsson ok lagði mál við ǫll in stærstu tré, bæði bita ok staflægjur ok uppstǫðutré.¹¹²

Early one morning, the king went out with a few men. He saw a man up on the church which was built [there in the town. He wondered greatly about that, because it was earlier in the morning than was usual for the builders to be there]. The king recognized the man—it was Þorkell Eyjólfsson, and he was measuring all the largest timbers: cross-beams, rafters, and pillars.

Perhaps this description intends to show Þorkell in a comical light, by exaggerating his busy care in measuring the timber so early in the morning.¹¹³ Perhaps, on the other hand, there is a suggestion that Þorkell is conscious of being insolent, and that he is measuring the church at such an early hour in order to keep his behaviour secret from the king. In any case, the conversation that follows

¹⁰⁹ *Laxd.*, chapter 70, p. 204.

¹¹⁰ *Laxd.*, chapter 74, p. 215.

¹¹¹ Not in *Möðruvallabók*, cf. *Möðruvallabók*, II, fol. 193r.

¹¹² *Laxd.*, chapter 74, p. 216.

¹¹³ The version presented in other manuscripts of the saga also emphasizes the comical character of the episode by adding the detail of the king's perspective—*hann undraðisk þetta mjök, því at morni var minnr fram komit en smiðar váru vanir upp at standa*.

between the king and Þorkell reveals a conflict which surpasses personal differences:

“Hvat er nú, Þorkell, ætlar þú hér eptir at semja kirkjuvið þann, er þú flytr til Íslands?” Þorkell svarar: “Satt er þat, herra.” Þá mælti Óláfr konungr: “Hogg þú af tvær alnar hverju stótré, ok mun sú kirkja þó gøt mest á Íslandi.” Þorkell svarar: “Tak sjálfir við þinn, ef þú þykkisk ofgefit hafa, [eða þér leiki aptarmund at,]¹¹⁴ en ek mun ekki alnarkefli af honum hoggva; mun ek bæði til hafa atferð ok eljun at afla mér annan við.” Þá segir konungr, ok allstilliliga: “Bæði er, Þorkell, at þú ert mikils verðr, enda gerisk þú nú allstórr, því at víst er þat ofsi einum bóndasyni, at keppask við oss; en eigi er þat satt, at ek fyrirmuna þér viðarins, ef þér verðr auðit at gera þar kirkju af, því at hon verðr eigi svá mikil, at þar muni of þitt allt inni liggja. En nær er þat mínu hugboði, at menn hafi litla nytsemð viðar þessa, ok fari því firr, at þú getir gørt neitt mannvirki ór viðinum”.¹¹⁵

“What is it now, Þorkell, do you want to shape the church-timber that you are taking to Iceland after this church?” Þorkell answers: “This is true, my lord”. Then King Óláfr said: “Cut two ells off each big beam, and the church shall still be the biggest ever built in Iceland”. Þorkell answers: “Take it back, if you think you have given too much [or if you want to take it back], but I shall not cut an ell in length off it. I shall expend both the effort and energy to take some timber myself elsewhere.” Then the king says, very calmly: “Þorkell, it is [true] that you are both a very worthy man and are now getting too arrogant, because it is clearly too much for a son of a *bóndi* to contend with us. And it is not true that I grudge you the timber—if you are destined to build a church there with it—because it will not be big enough to contain all your arrogance. But I almost have a foreboding, that people will have little use of this timber, and far from it, that you will not do any work with the timber”.

According to the king, Þorkell—the powerful Icelandic chieftain—is a mere *bóndason*. His ambition to build a church as big as, or bigger than, the king’s church is seen as arrogance; but notwithstanding the bitter tone of their conversation, they part “með miklum kærleik” [with great affection]. When Þorkell goes back to Iceland, it is said that “hafði Þorkell fengit mikinn sóma í þessi ferð” [Þorkell had got much honour on this journey] and “með öllu hafði hann mikla rausn þann vetr”¹¹⁶ [and in everything he had a very good

¹¹⁴ Not in *Möðruvallabók*; cf. *Möðruvallabók*, II, fol. 193r.

¹¹⁵ *Laxd.*, chapter 74, pp. 216–17.

¹¹⁶ *Laxd.*, chapter 74, p. 217.

life that winter]. It would appear, then, that the incident with King Óláfr does not disgrace him. The king also predicts that Þorkell will not build anything with the wood, and indeed Þorkell is drowned with the timber when trying to transport it to Helgafell, where he had intended to build his church. However, Þorkell's death has been prophesied twice in the saga¹¹⁷ and therefore it may not necessarily represent retribution for his arrogance. The king's tolerant reaction to Þorkell's haughtiness may be a result of his being a Christian, but the sentiments involved here are the same as those found in the account of the settlement. Like Hǫskuldr, Þorkell defies the royal power because of his Icelandic pride and he alone establishes the basis of the relations between himself and the Norwegian king.¹¹⁸ It is important to note that the *Ólafslög* discussed in Chapter 2 prescribes that Icelanders can use timber and water from the king's forest in Norway. The act of fetching timber in the king's forests described in these episodes might have reminded the audience of the privileges which Icelanders enjoyed in Norway. These privileges are a recognition of the Icelanders' noble ancestry which the episodes analysed try to portray.

Notwithstanding the reverential attitude which Icelanders have towards kings in *Njáls saga*, there is an important instance when royal power is challenged. Þráinn Sigfússon goes to the court of *jarl* Hákon Sigurðarson, who is ruling over Norway.¹¹⁹ (Although *jarl* Hákon Sigurðarson is never referred to as a king, he, as the ruler of Norway, represents royal power).¹²⁰ He is the uncle of Gunnarr at Hlíðarendi,

¹¹⁷ *Laxd.* chapters 33, 74, pp. 90, 215.

¹¹⁸ Another prominent Icclander, Kjartan Ólafsson, contests with King Óláfr Tryggvason in *Laxdæla saga*, chapter 40, pp. 116–18, but as their conflict develops from an important religious issue—the conversion to Christianity—it needs to be analysed within this complex context, which is not possible here, because of the constraint of space, and therefore will not be included in this study.

¹¹⁹ “Þá var orðit hǫfðingjaskipti í Nóregi; var þá dauðr Haraldr gráfeldr ok Gunnhildr. Réð þá ríki Hákon [*jarl*] Sigurðarson” (*Nj.* chapter 29, p. 75) [There had been a change of rulers in Norway. Haraldr gráfeldr and Gunnhildr were dead. *Jarl* Hákon Sigurðarson now ruled the realm].

¹²⁰ Although from the tenth century onwards the word *jarl* usually denoted a nobleman of rank immediately below a king, there are several instances of *jarlar*, up to the eleventh century at least, who apparently acknowledged no royal superior. See Ursula Dronke, *The Poetic Edda: Mythological Poems* (Oxford: Clarendon Press, 1997), pp. 198–99, for the use of *jarl* in this context within Icelandic works. In *Historia Norvegiæ*, p. 88, it is written: “Quæ quidem diversis incolis accultæ nunc in duo regna sunt divisæ; sunt enim meridianæ insulæ regulis sublimatæ, brumales vero

whom the *jarl* esteems highly. Þráinn is well received because of this family connection, but after killing a *víkingr* who is making a raid on Norway, he stays at the *jarl*'s court on his own merits. When he goes back to Iceland, he decides to help an Icelander who has just been outlawed by the *jarl*, taking him aboard his ship. The *jarl* suspects the trick, but is outwitted by Þráinn's cunning. Throughout the whole episode, Hákon Sigurðarson is presented as a rather complex character. He is exposed as mean and untrustworthy, when his son Eiríkr needs three times to remind him of his duties.¹²¹ However, when Þráinn deceives him on three occasions, he nobly says that “heldr vil ek, at þú níðisk á mér en ek á þér”¹²² [“I would rather that you offended me, than I you”]. When he hears Þráinn boasting of his deceit, he takes the opportunity to extend his criticism of the Icelanders: “Eigi berr hér til [óvízka mín],¹²³ heldr þat samband þeira, er þeim dregr báðum til bana”¹²⁴ [“This hasn't happened because of my foolishness, but because of this alliance of theirs, which will drag them both to death”]. The main function of this episode is to precipitate the hostilities between Þráinn and the Njálssynir, which will finally lead to the burning of the whole of Njáll's family, but the conflict between Þráinn and the *jarl* also represents a challenge to royal power: the strong-minded Icelanders do not yield even to the ruler of Norway.

Hallfreðar saga explores the relationship between the Icelandic poet Hallfreðr and King Óláfr Tryggvason. Their relationship is troublesome, and in this way seems to reflect the complex relations between Icelanders and the Norwegian kings. Hallfreðr comes to love the king, but still keeps his own power of decision and judgement. That is the case when the king asks, as a test, that Hallfreðr kill or blind Þorleifr inn skapi, a pagan who is reluctant to convert. Hallfreðr does not kill Þorleifr; rather, he pulls out one of his eyes in a brief skirmish but spares the other eye and also Þorleifr's life. At the same

comitum praesidio decoratae, qui utrique regibus Norwegiae non modica persolvunt tributa” [Occupied by divers inhabitants, they are now divided into two kingdoms: the Southern islands are honoured by petty kings, the Northern are adorned with the protection of earls, who both pay to the kings of Norway no modest tribute].

¹²¹ See *Nj*, chapter 82, pp. 199–200 and chapter 89, p. 223.

¹²² *Nj*, chapter 88, p. 220.

¹²³ In *Möðruvallabók*, “vanvit mitt” (*Möðruvallabók*, II, fol. 32v) [my lack of wisdom].

¹²⁴ *Nj*, chapter 88, p. 220. He had attacked the Icelanders before, when predicting the death of Gunnarr at Hlíðarendi (*Nj*, chapter 82, p. 199).

time, he pulls out one of the eyes of Kálfr, one of the king's men, who had previously slandered Hallfreðr; in doing so, Hallfreðr says: “‘Eigi hefir hér at høgum verit til skipt; góðr drengr er meiddr, en mannfýlan lifir’”¹²⁵ [This has not turned out properly: a good man is hurt, but a rogue lives]. Since Kálfr is portrayed as a malicious man, and since Þorleifr inn skapi is portrayed later in the saga as “inn bezti drengr”¹²⁶ [the finest of men], the narrative shows that the Icelandic Hallfreðr is a man of better judgement and discernment than the king.

6.3 *The Icelandic free men*

The episodes analysed in this chapter depict Icelanders displaying a certain liberality in their relationships with the Norwegian kings. They are proud of their freedom of speech, action and thought, and even when paying respect to the king or another member of the Norwegian nobility, they are never shown on a lower level than the king himself. These narratives also tell that Icelandic society was established by high-born Norwegians who praised their ancestors' principles governing individual rights, such as individual freedom, the system of compensation and the ownership of land. In Norway, however, former kings and powerful men lost their status of freemen and lived under a kind of vassalage. Icelanders, then, were represented as the keepers of the ancient Norwegian individual freedom.

A passage in *Víga-Glúms saga* seems to corroborate these ideas. In chapter 4 of *Víga-Glúms saga*, a Norwegian called Þorsteinn is challenged by a *berserkr* to a *hólmganga* [duel] and Eyjólf, Glúmr's father, offers to fight in his place. The *berserkr* says that he will decide the rules for the contest, asking for three marks as means of compensation. Eyjólf promptly answers to the *berserkr*'s abusive pledges:

“Óskylt ætla ek vera at halda lögum við þik, er þú dœmir sjálfir, hvers þú ert verðr, fyrir því at á váru landi myndi slíkt þykkja þrælsgjöld, er þú gerir um sjálfan þik”.¹²⁷

“I do not consider myself obliged to hold to the laws with you, if you decide yourself how much you are worth, because in our country such money as you put upon yourself is considered to be a slave's payment”.

¹²⁵ *Hallfr*, chapter 6, p. 166.

¹²⁶ *Hallfr*, chapter 6, pp. 158–59; chapter 11, p. 196.

¹²⁷ *Glúm*, chapter 4, pp. 12–13.

The scornful tone of Eyjólfur's answer is denoted by his most probable exaggeration of the compensation rate to be paid for a slave in Iceland, since it was prescribed in later Icelandic laws that, if a slave received a blemishing blow, his master should get six ounces, and the slave three ounces.¹²⁸ Eyjólfur also generalizes his statement with the use of 'á váru landi' [in our country], turning a personal dispute into an opportunity to contrast Icelanders and Norwegians. Besides, the mention of 'þrælsgjöld' [slave's payment] may bring forward the idea, promoted in several accounts about the settlement of Iceland,¹²⁹ that those Norwegians who surrendered to Haraldr inn hárfagri were the king's slaves.

Eyjólfur's words also inform or remind the saga audience of the differences between the Icelandic and Norwegian social and legal systems. Icelandic laws prescribed that personal compensations were the same for all free people,¹³⁰ but in Norway, according to the *Gulapingslög* discussed in Chapter 2, they were rated in proportion to the person's rank, on a scale of freed-man to king.¹³¹ Eyjólfur's speech may be interpreted as an attempt to depict Icelanders as freemen who were not subjected to a king. Their status as freemen is guaranteed by their ancestors' decision to regain their freedom in another land.

It is important to note that the *Ólafslög* analysed in Chapter 2 prescribes that Icelanders have *hóldsréttir* in Norway. The *Gulapingslög* also prescribes that Icelanders have *hóldsréttir* when they are on trading voyages, whereas other foreigners have only *bóndaréttir*.¹³² To the thirteenth- and fourteenth-century Icelanders, the existence of an eleventh-century law stating that Icelanders in Norway had the rights of a *hóldr* might have meant the recognition or confirmation of their ancestors' high-born status, or, most importantly, of their status as people who were born with *óðal* rights.¹³³ Indeed, throughout the

¹²⁸ "Ef maðr drepr þræl manz ovænis hög oc aþar drottin vi. avra. en þrællin iii. avra" (*GrágKon*, I, § 111, p. 191) [If a man deals another man's slave a blemishing blow, then the master is due six *aurar*, and the slave three *aurar*].

¹²⁹ See Sections 3 and 4 above and also Appendix 3.

¹³⁰ See, *GrágKon*, I, "Vigslóði", §§ 86–112, pp. 144–92, but especially § 88 "vm morð" [about manslaughter], pp. 154–57 and §112 "vm man frelsi" [about manumission], pp. 191–92.

¹³¹ See Chapter 2, Section 6 above; the sections in the *Gulapingslög* are in *NgL*, I, § 185, p. 67 and § 200, p. 71.

¹³² See Chapter 2, section 6.

¹³³ As seen in Chapter 2, in the Norwegians laws *hauldr*, Old Icelandic *hóldr*, stood

Íslendingasögur, the majority of the accounts about the conflict between Haraldr inn hárfagri and the Norwegians mention the deprivation of their *óðul* imposed by the king's new rules,¹³⁴ and therefore, they seem to lay emphasis on the fact that the new social structure imposed by Haraldr inn hárfagri replaced the former *konungar* and chieftains, who had power of self-determination, with the subordinate *leigumenn*. In these texts, then, the concept of the freeman is firmly bound to the right of ownership of land, and may explain why the king's *leigumaðr* is shown as synonymous with the king's slave.

6.4 *The guardians of the law*

In Section 3 above, it is argued that *Egils saga* does not put forward a unique view of the relations between kings and Icelanders; rather, as happens in the other sagas of *Möðruvallabók* analysed here, *Egils saga* shows Icelanders constantly negotiating their position with the Norwegian king. The opposition which moves the saga's action is expressed in the conflict between Haraldr inn hárfagri and the powerful men, a conflict between a new social order and an old, traditional one: the saga emphasizes the Icelanders' role as guardians of traditional values. One of these values is the observation of laws, especially those involving rights to inheritance. Twice in the saga, Egill is made to remind the audience that it is the king's duty to maintain and apply the laws. When Egill intends to claim the inheritance due to his wife Ásgerðr, his friend Arinbjörn warns him against it. Egill insists: “‘Konungr mun oss láta ná lögum ok réttendum á máli þessu’”¹³⁵ [The king will let us have [our] legal rights and justice in this case]. In front of the king, Erikr blöðøx, Arinbjörn repeats Egill's words: “‘Þú munt láta oss ná lögum af þessu máli’”¹³⁶ [You will let us have [our] legal rights in this case]. The king grants them their rights and Egill is allowed to speak in the *Gulapíng*. This conflict, which involves Egill's wife Ásgerðr, the daughter of Björn *hóldr*,¹³⁷ could have reminded the saga audience that Icelanders had *hóldr*

for an *árborinn maðr* or *óðalborinn maðr* (see *NgL*, v, p. 269 and also *KL*, vi, pp. 251–54).

¹³⁴ See Appendix 3.

¹³⁵ *Eg*, chapter 56, p. 152.

¹³⁶ *Eg*, chapter 56, p. 154.

¹³⁷ A passage in which Egill is said to assert that Ásgerðr is *óðalborinn* is not in

in Norway, a right conferred on them because of their Norwegian high-born lineage. It also reaffirms that Icelanders are the guardians of ancestral rights. Although Egill's insistence in claiming his wife's property in Norway has been interpreted as a manifestation of avarice and litigiousness,¹³⁸ I should like to suggest that it emphasizes that the rights of Icelanders in Norway were of extreme importance. When King Hákon Aðalsteinsfóstri succeeds to the Norwegian throne, Egill tries once more to obtain his wife's property. On this occasion, he also proposes that he become one of the king's men, if the king is willing to allow him to go to the legal assembly, in order to secure his rights there:

“Ekki máttu, konungr, þegja yfir svá stórum málum, því at allir menn hér í landi, innlenzkir ok útlenzkir, skulu hýða yðru boði. Ek hefi spurt, at þér setið lög hér í landi ok rétt hverjum manni; nú veit ek, at þér munuð mik láta þeim ná, sem aðra menn; þykkjumk ek hafa til þess [burði ok frændastyrk]¹³⁹ hér í landi, at hafa við Atla inn skamma. En um mál okkur Eiríks konungs er yðr þat at segja, at ek var á hans fund, ok skilðumsk vit svá, at hann bað mik í friði fara, hvert er ek vilda. Vil ek bjóða yðr, herra, mína fylgð ok þjónustu; veit ek, at vera munu hér með yðr þeir menn, er ekki munu þykkja vígligri á velli at sjá en ek em; er þat mitt hugboð, at eigi líði langt, áðr fundi ykkra Eiríks konungs muni saman bera, ef ykkir endisk aldr til; þykki mér þat undarligt, ef eigi skal þar koma, at þér þykki Gunnhildr eiga sona uppreist marga.”¹⁴⁰

Möðruvallabók because of a lacuna before fol. 84. In *Eg*, chapter 56, pp. 154–55, the passage, taken from manuscript AM 162 A 0 fol. (c. 1250), reads: “Egill hóf þar mál sitt, at hann krafði dómendr at dæma sér lög af máli þeira Qnundar; innti hann þá upp, hver sannendi hann hafði í tilkalli fjár þess, er átt hafði Björn Brynjólfsson. Sagði hann, at Ásgerðr, dóttir Bjarnar, en eiginkona Egils, var til komin arfsins, ok hon væri óðalborin ok lendborin í allar kynkvíslir, en tiginborin fram í ættir, krafði hann þess dómendr, at dæma Ásgerði til handa hálfan arf Bjarnar, lönd ok lausa aura” [Egill started his case, demanding that the judges decide about the law concerning Qnundr and himself. He summed up the evidence he had for claiming the inheritance that Björn Brynjólfsson had. He said that Ásgerðr, Björn's daughter and Egill's legal wife, had come into the inheritance and [that] she was born possessor of *óðal* and land in all branches of her kindred, and had royal ancestry. He demanded this of the judges, that they decide that Ásgerðr should receive half of Björn's inheritance, lands and disposable income].

¹³⁸ See Andersson, ‘The Displacement’, p. 578 and Margaret Clunies Ross, ‘The Art of Poetry and the Figure of the Poet in *Egils saga*’, *Parergon*, 22 (1978), 3–12 (p. 3) (repr. in *Sagas of the Icelanders: A Book of Essays*, ed. by John Tucker, Garland Reference Library of the Humanities, 758 (New York: Garland, 1989), pp. 126–45).

¹³⁹ In *Möðruvallabók*: “burði ok frænda styrk” (*Möðruvallabók*, II, fol. 88r).

¹⁴⁰ *Eg*, chapter 63, p. 198.

“You must not, O king, be silent about such important matters, because all people here in the country, countrymen and foreigners, must obey your orders. I have heard that you have established the law here in the country and rights for everyone. Now, I know you will let me have those things, like other people. I think I have the support of kith and kin here in the country to be a match for Atli inn skammi. But about the case between King Eiríkr and me, I tell you this, that I went to meet him, and as we parted, he told me to go in peace, wherever I wanted. I would like to offer you, my lord, my allegiance and service. I know that among the men here with you, no one shall be more valiant in battle than I am. It is my foreboding that it will not be long before you and King Eiríkr meet, if you and he live. I would think it strange if it is not the case that you think Gunnhildr has many sons ready for battle”.

These two episodes appear to be reminders to the Icelanders that they should learn how to deal with the Norwegian kings. They reinforce the saga's ideological frame, that is, the placement of Icelanders as the guardians of old traditions from Norway. In this role, Icelanders could claim their ancestral rights in Norway. As happens with regard to the *Ólafslög* analysed in Chapter 2, the saga reveals no single attitude to the relations between Icelanders and the Norwegian king. These relations were multifarious and both parties constantly negotiated them.

7 *Presentations of the settlement of Iceland:*
Haralds saga ins hárfagra (Frísbók) and other sagas

The tradition of the settlement of Iceland which claims that Haraldr inn hárfagri's rise to power and tyranny is the main reason for the decision to leave Norway and settle Iceland, can be better understood when compared to other traditions. In the present section, I shall briefly analyse the account of Haraldr inn hárfagri's rise to power as it appears in *Haralds saga ins hárfagra*, in the *Frísbók* manuscript (AM 45 fol.) which, as *Möðruvallabók*, dates from the fourteenth century.

Haraldr inn hárfagri's rise to power occupies a central place in *Haralds saga ins hárfagra*: the first twenty chapters of the saga concentrate on Haraldr's unification of Norway under his sole rule and on the new form of kingship that he establishes; in this way, the narrative's characterization of Haraldr inn hárfagri establishes him

as the patriarch of the Norwegian kingship.¹⁴¹ The presentation in the narrative of this project of unifying Norway under a sole king can be grasped from the introductory lines of the saga: after the death of King Hálfðan svarti, his son Haraldr inn hárfagri, only ten years of age, succeeds to his kingdom; in consequence:

gengo margir hófðinngiar a rikit. þat er Hálfðan hafði leift. var hinn fyrsti maðr Gandalfr konvngr ok þeir bróðr Hægni ok Froþi seynir Eysteins konvngs af Heiðmork. ok Hægni Karoson gekki víða yfir Hringaríki.¹⁴²

many chieftains encroached upon the kingdom that Hálfðan had left. [Among those,] King Gandalfr was the first, and [then] the brothers Hœgni and Fróði, sons of King Eysteinn of Heiðmork, and Hœgni Kárasson ravaged Hringaríki far and wide.

The narrative shows that Haraldr inn hárfagri's rise to power and the unification of Norway came about through a conflict that was fought among kings. The changes in government and society introduced by Haraldr inn hárfagri affect first and foremost these kings. The narrative explains how these changes operate; however, the conclusion that the king's men have more power under the rule of Haraldr inn hárfagri than they formerly had as kings, contradicts the views expressed in *Egils saga*:

¹⁴¹ See Jakobsson, *Í leit að konungi*, p. 163. Scholars have debated different aspects of the tradition. Claus Krag, 'Norge som odel i Harald Hårfagres ætt: et mote med en gjenganger', *Historisk tidsskrift* [Norway], 68 (1989), 288–302, even argues that the presentation of King Haraldr inn hárfagri as the founder of Norwegian monarchy was a conception made by Icelandic and Norwegian writers of the twelfth century. Krag's view was disputed by Knut Dørum, 'Det norske riket som odel i Harald Hårfagres ætt', *Historisk tidsskrift* [Norway], 80 (2001), 323–42, who argues that the idea of Norway as the *óðal* of Haraldr inn hárfagri's family can be dated back to the tenth and eleventh centuries through the evidence of skaldic poetry. Sverrir Jakobsson, 'Myter om Harald hárfager', in *Sagas and the Norwegian Experience: Preprints of the 10th International Saga Conference* (Trondheim, 1997), pp. 567–610, investigates Haraldr inn hárfagri as myth and reality. Hans Kuhn, 'Narrative Structures and Historicity in *Heimskringla*', *Parergon*, 15 (1976), 30–42, claims that the presentation of Óláfr inn helgi is modelled after Haraldr inn hárfagri. Alan J. Berger, 'The Sagas of Harald Fairhair', *Scripta Islandica*, 31 (1980), 14–29, investigates the different sagas about Haraldr inn hárfagri. Joan Turville-Petre, 'The Genealogist and History: Ari to Snorri', *Saga-Book*, 20 (1978–81), 7–23, analyses the re-creation of Haraldr inn hárfagri's genealogy. Marlene Ciklamini, 'Exempla in an Old Norse Historiographic Mold', *Neophilologus*, 81 (1997), 71–87, advocates that, in *Heimskringla*, the old system which Haraldr inn hárfagri replaces is shown as outdated. See also Jakobsson, *Í leit að konungi*, pp. 160–66 and Sverre Bagge, *Society and Politics*, p. 56.

¹⁴² *HarHár*, chapter 1, p. 38.

Haralldr konvngr setti þann rétt. allt þar er hann vann ríki vndir sig. at hann eignaðiz öþvl oll. let alla bændr giallda ser landzskylldir. bæði ríka ok oríka. Hann setti jarl í hverio fylki. þann er dōma skyllði lāg ok landz rétt ok heimta sakeyri ok landzskylldir. jarl skyllði hafa þrīþiong skatta ok skyllða til borðz ser ok kostnaðar. Jarl hverr hafði vndir ser .iiij. hersa eða fleiri. ok skyllði hverr þeirra hafa .xx. marka vezlo. Jarl hverr skyllði fa konvngi í her .xl. manna. enn hersir hverr .xx. menn. Enn sva mikít hafði Haralldr konvngr ákit alāgvyr ok landzskylldir. at iarlar hans hófðo meira ríki. enn konvngar hófðo fyrrom. Enn er þetta spurðiz vm Þrandheim. sotto til Haralldz konvngs margir rikismenn með því at ganga til handa ok geraz hans menn.¹⁴³

When he conquered the kingdom for himself, King Haraldr imposed this law on all [the country]: he took possession of all *óðal* land, [and] made all *bændr*, both powerful and weak, pay him land dues. He set a *jarl* in each district, who was to settle laws and land rights and claim fines and land dues. [Each] *jarl* was to have a third of the *skattr* and tributes for his table and expenses. Each *jarl* had under his rule four or more *hersar*, and each of those was to have twenty marks of royal grant. Each *jarl* was to provide the king with forty men for his army, and each *hersir* with twenty men. And King Haraldr increased the taxation and land dues so much that his *jarlar* had more power than the kings had had before. And when that was heard in Þrandheimr, many powerful men sought out King Haraldr to submit to him and become one of his men.

In a textually-similar passage in *Egils saga*, although Haraldr inn hárfagri is said to grant honour and wealth to those men who follow him, power (*ríki*) is the king's prerogative, and Þórołfr's experience (discussed in Section 3 above) shows that the king will always be in control. In *Egils saga*, the description of King Haraldr's new powers is followed by the report of several emigrations, with the closing line 'Ok í þann tíma fannsk Ísland', which emphasizes that the settlement of Iceland is the ultimate objective of the presentation of Haraldr inn hárfagri's reign in the saga:

Haralldr konungr var mjök gōrhugall, þá er hann hafði eignazk þau fylki, er nýkomin vāru í vald hans, um lenda menn ok ríka búendr ok alla þá, er honum var grunnr á, at nokkurrar uppreistar var af vān, þá lét hann hvern gera annat hvárt, at gerask hans þjónustumenn eða fara af landi á brott, en at þriðja kosti sæta afarkostum eða láta lífit, en sumir vāru hamlaðir at hōndum eða fótum. Haralldr konungr eignaðisk í hverju fylki óðul qll ok allt land, byggt ok óbyggt, ok

¹⁴³ *HarHár*, chapter 6, p. 40.

jafnvel sjóinn ok vötnin, ok skyldu allir búendr vera hans leiglendingar, svá þeir, er á mörkina ortu, ok saltkarlarnir ok allir veiðimenn, bæði á sjó ok landi, þá váru allir þeir honum lýðskyldir. En af þessi áþjám flýðu margir menn af landi á brott, ok byggðusk þá margar auðnir víða, bæði austr í Jamtaland ok Helsingjaland ok Vestrlönd, Suðreyjar, Dyflinnar skíði, Írland, Norðmandí á Vallandi, Katanes á Skotlandi, [Orkneyjar]¹⁴⁴ ok Hjaltland, Færeyjar. Ok í þann tíma fannsk Ísland.¹⁴⁵

When he took possession of the provinces that he had just brought under his power, King Haraldr was very careful about the *lendir menn* and powerful *bændr* and all those whom he suspected of hoping for some revolt. Then he let each person do one of two [things], become his liegeman or leave the country, but a third choice [was] to undergo hard conditions or to lose their life, and some had their hands and feet mutilated. King Haraldr took possession of all *óðal* land of each province, inhabited and uninhabited, and equally the sea and the lakes, and all *bændr* were to become his tenants, so they who worked in the forest, and the salt burners and all the hunters, both of the sea and land, were all to pay tribute to him. But because of this oppression many people fled the country and then many empty places were settled, both to the east in Jamtland and Halsingland and in the west lands, the Hebrides, the Dublin area, Ireland, Normandy in France, Caithness in Scotland, [the Orkneys,] Shetland and the Faroes. And at that time Iceland was found.

Moreover, Sölvi klofi's speech is also made to conform to the particular focuses of the two sagas. In *Egils saga*, as seen in section 3 above, Sölvi stresses the role of tradition in keeping men's freedom and the conflict which he exposes involves all men of the 'fylki' [district]. He says that Haraldr inn hárfagri enslaved and oppressed all people in Norðmœrr and Raumsdalr; that those who fight against Haraldr inn hárfagri are outstanding and energetic men; and that the people of Naumdœlir set a bad example when they submitted to King Haraldr.¹⁴⁶ Sölvi's speech in *Haralds saga ins hárfagra* has important differences: the enslavement of the people of Norðmœrr and Raumsdalr is not mentioned; the men who fight Haraldr inn hárfagri are as noble as he; instead of 'people of Naumdœlir', the phrase 'the kings of Naumdœlir' is used:

Solvi klofi for svör i Fiorðo a fvnd Avþbiarnar konvngs. er þar reð fyrir ok það hann liðz. at hann skyllði fara við her sinn til styrks við

¹⁴⁴ *Orkneyjar* is not in *Möðruvallabók*; cf. *Möðruvallabók*, II, fol. 63v.

¹⁴⁵ *Eg*, chapter 4, pp. 11–12.

¹⁴⁶ See Section 3.

þa Arnvið konvng. Er þa eigi olikligt a(t) vár ferþ takiz vel ef vér risom allir i mót Haralldi konvngi. þvi at ver hofvm þa ørinn styrk ok ma aðna raða sigri. Hinn er annarr kostr. ok er þat þo engi kostr þeim monnom er eigi ero vtignari enn Haralldr konvngr. at geraz þrølar hans. betri þotti feðr minom sa kostr at falla i bardaga i konvngdomi sinom enn ganga sialfkrafa i þionvstv við Haralld konvng. eða þola eigi vapn sem Nýmdøla konvngar gerþo.¹⁴⁷

Sölvi klofi went south to Fjorð to meet King Auðbjörn, who ruled over there, and asked for his help—that he should come with his army to assist King Árnviðr. “It is not unlikely that our exploits will fare well if we all rise up against King Haraldr, because we have enough strength and fate will decide the victory. There is another choice—and it is no choice for those men who are no less noble than King Haraldr—[and that is to] become his slaves. My father thought this choice better: to die in battle as a king rather than to go of his own accord into subservience to King Haraldr, and not to endure the weapons, as the kings of Naumdælir did”.

This passage reinforces the idea that the conflict involved kings; the narrative keeps these noble men distant from ‘all the people’ who appear in the passage in *Egils saga*. More importantly, in *Haralds saga ins hárfagra* the flight of high-born, powerful Norwegians and the settlement of Iceland is not presented as resulting directly from Haraldr inn hárfagri’s rise to power. Later in the saga, there is mention of the emigration to several countries and inhabited lands that occurs in response to the unrest caused by Haraldr inn hárfagri, but the narrative plays down the unpopularity of King Haraldr among those powerful men, arguing that, though many *rikismenn* left the country, many others joined Haraldr inn hárfagri, and perhaps also suggesting, albeit ambiguously, that the king had some control over the emigrations:

Eftir orusto þessa fekk Haralldr konvngr onga mótstaðo i Noregi. voru þa fallnir allir hinir mesto fiandmenn hans. enn svmir flyðv or landi. ok var þat allmikit fiolmenni. þvi at þa byggðvz stór eyðilond. Þa bygðiz Iamtaland ok Helsingialand. var þo aðr hvartveggia nokkvtt byggt af Norðmonnon. J þeim ofriþi er Haralldr konvngr gekk til landz i Noregi. fvnndvz ok bygðvz vtland. Føreyiar ok Island. Þa var ok mikil ferþ til Hialltlandz. ok margir rikismenn af Noregi flyðo fyrir Haralldi konvngi. ok foro i vestrvinng. voro i Orkneyiom ok Svðreyiom a vetrvm. enn a svmrom herioðo þeir i Noreg. ok gerðo þar mikinn

¹⁴⁷ *HarHár*, chapter 12, p. 43.

landzskáða. Margir voro þeir ok rikismenn er gengo til handa Haralldi konvngi. ok gerþvz hans menn ok bygðo lond með honom.¹⁴⁸

After that battle, King Haraldr did not meet any resistance in Norway. All of his greatest enemies were killed, but some fled the country (and it was a great multitude of them), therefore great wild tracts of land were settled. At that time, Jamtland and Halsingland were settled, although both had been settled before by Norsemen. In that period of unrest, when King Haraldr made his way through the land of Norway, foreign countries were found and settled, the Faroes and Iceland. There was also much travel to Shetland, and many powerful men from Norway fled because of King Haraldr, and went on viking raids in the west. During the winter, they were in the Orkneys and the Hebrides, but in the summer they ravaged in Norway, and did great damage there. But there were many powerful men who submitted to King Haraldr and became his men and settled [these] countries with him.¹⁴⁹

The differences between *Egils saga* and *Haralds saga ins hárfagra* have generally been analysed within discussions on the authorship of the two sagas.¹⁵⁰ Under the assumption that Snorri is the author of both sagas, these differences are explained in terms of how Snorri's success or failure at the Norwegian court might affect his views on kingship.¹⁵¹ However, the different views expressed in the sagas of Haraldr inn hárfagri's rise to power, and of the changes in society which it brings about, are more than a mere dichotomy of sympathy or non-sympathy with Norwegian kings. Indeed, the multiplicity and complexity of the views on kingship that are to be seen within *Egils saga* itself make it impossible to interpret the contrasts between the sagas in such simplistic terms.

The presentation of Haraldr inn hárfagri in *Haralds saga ins hárfagra* is designed to show him as the patriarch of Norwegian kingship and the narrative seems to sympathize with the king's new form of kingship and rule. This account of Haraldr inn hárfagri's rise to

¹⁴⁸ *HarHár*, chapter 22, p. 49.

¹⁴⁹ As will be argued below, another reading of the last sentence in the passage is "But many were the powerful men who submitted to King Haraldr, and became his men and dwelt on the lands [i.e. estates in Norway] with him".

¹⁵⁰ See Chapter 1 above.

¹⁵¹ See, for example, Sørensen, 'Starkaðr', p. 154, who, seeming to assume that Snorri Sturluson was the author of *Egils saga*, claims that "it is unthinkable that Snorri and his circle should not have viewed the saga in the light of the Icelandic aristocracy's current relationship with Norwegian royal power".

power does not emphasize the connection between Haraldr inn hárfagri's rule and the settlement of Iceland. It may also suggest that the king had a degree of patronage, or control of sorts, over the emigration, as it contrasts the attitude of two groups of powerful men—one group that left the country and settled the new-found lands, and the other group that submitted to him and settled, under his patronage or control, these new-found lands. The last sentence, however, is far from unambiguous, and it may be possible that 'bygðu lönd' should be understood as 'dwelt on the estates [in Norway]'; in this case, the contrast between those powerful men would be greater, since they would be separated into those who stayed in the country, and therefore remained 'with the king', and those who left—not with the king.

Other accounts found in both *Íslendingabók* and *Vatnsdæla saga* suggest that the king had some control over the emigration. *Íslendingabók* tells that prospective emigrants were obliged to pay five ounces in order to go to Iceland:

En þá varð fôr manna mikil mjök út hingat ýr Norvegi, til þess unz konungrinn Haraldr bannaði, af því at hónum þótti landauðn nema. Þá sættusk þeir á þat, at hverr maðr skyldi gjalda konungi fimm aura, sá es eigi væri frá því skiliðr ok þaðan fœri hingat. En svá er sagt, at Haraldr væri sjau tegu vetra konungr ok yrði áttæðr. Þau hafa upphöf verit at gjaldi því es nú es kallat landaurar, en þar galzk stundum meira en stundum minna, unz Óláfr enn digri görði skýrt, at hverr maðr skyldi gjalda konungi halfa mörk, sá es fœri á miðli Norvegs ok Íslands, nema konur eða þeir menn es hann næmi frá. Svá sagði Þorkell oss Gellissonr.¹⁵²

And then there were very many people coming here [i.e. Iceland] from Norway, until King Haraldr banned them, because he thought that the country would become deserted. Then it was agreed that each man who was not exempted and who moved here [i.e. Iceland] from there [i.e. Norway] should pay the king five ounces. And it is said that Haraldr was king for seventy years and that he turned eighty years old. These were the origins of the tribute which is now called *landaurar*, but payment was made, sometimes greater, sometimes less, until Óláfr inn digri declared that each man who moved between Norway and Iceland should pay the king half a mark, except women or those men whom he exempted. Thus Þorkell Gellisson told us.

¹⁵² *Íslb*, chapter 1, pp. 5–6.

Vatnsdæla saga narrates the story of Ingimundr Þorsteinsson, who fights alongside King Haraldr inn hárfagri in his rise to power. When Ingimundr decides to settle in Iceland, he asks for the king's permission:

Ingimundr kvað sér fýst á at vita, hvárt hann fyndi hlutinn eða eigi, þá er grafit væri fyrir öndvegissúlum hans—"kann ok vera, at þat sé eigi til einskis gort; er nú ok eigi því at leyna, herra, at ek ætla at gera eptir Finnum þeim, er mér sýni heraðs vøxt ok lands skipun, þar sem ek skal vera, ok ætla ek at senda þá til Íslands". Konungr kvað hann þat mega gera—"en þat hygg ek, at þangat munir þú koma, ok er þat uggligt, hvárt þú ferr í lofi mínu eða leynisk þú, sem nú tekr mjök at tíðkast". "Þat mun mér aldri verða", segir Ingimundr, "at ek fara í banni þínu".¹⁵³

Ingimundr said he was eager to know whether he would find the amulet or not when the digging was done for his high-seat pillars. "It may also be that this has not happened for nothing. Now, I will not conceal, my lord, that I would like to go after those Finns, who [can] show me the size of the country and the lie of the land where I must go, and I would like to send them to Iceland". The king said that he could do that: "And I think that you will go there and it is to be doubted whether you go with my consent or if you steal away as now is very common". "I would never go if you forbade me", said Ingimundr.

It cannot be ruled out, however, that this tradition is a later interpretation of the king's part in the settlement of Iceland, since both *Íslendingabók* and *Vatnsdæla saga* survive in very late manuscripts.¹⁵⁴ There are other interpretations of the settlement of Iceland which do not link it to King Haraldr's rise to power. In *Historia Norvegiæ* (manuscript from c. 1444–60), for example, the first settlers of Iceland are said to be murderers who have taken flight:

Tunc quidam Norwegenses Ingulfr et Hiorleifr ob reatus homicidiorum patriam fugientes cum conjugibus et pueris naves ingredientes insulam prius inventam a Garðaro post ab anba inquirendo per pendulas pelagi undas tandem reperierunt.¹⁵⁵

¹⁵³ *Vatn*, chapter 12, pp. 33–34.

¹⁵⁴ As pointed out in Chapter 2, Section 4, footnote 93, the seventeenth-century copies of *Íslendingabók* are generally accepted as good transcripts of a twelfth-century exemplar. A one-leaf fragment of *Vatnsdæla saga* from the fourteenth or fifteenth century survives; otherwise, the earliest manuscripts are from the seventeenth or eighteenth century (*ONP*, p. 407). Manuscripts of *Íslendingabók* date from the seventeenth and eighteenth centuries (*ONP*, p. 282). See also Stefán Karlsson, 'Um *Vatnshyrni*', *Opuscula*, 4 (1970), 279–303 and John McKinnell, 'The Reconstruction of Pseudo-*Vatnshyrni*', *Opuscula*, 4 (1970), 304–37.

¹⁵⁵ *Historia Norvegiæ*, in *Monumenta historica Norvegiæ: latinske kildeskrifter til Norges his-*

Then, certain Norwegians, Ingólfr and Hjørleifr, because they had been accused of murder, boarded ships with their wives and children and fled the country; they finally found, across the dangerous waves of the sea, the island that had previously been discovered by Garðar and which they had both subsequently searched for.

On the other hand, the account of Haraldr inn hárfagri's rise to power in *Ágrip af Noregskonunga sögum* (AM 325 II 4°, c. 1225) does not mention the settlement of Iceland at all.¹⁵⁶ The existence of different traditions shows that a conscious choice was involved in making the account of the settlement in *Egils saga* and other sagas of *Möðruvallabók* conform to a certain tradition; when the narrative chooses to follow a particular tradition, it consistently expresses a specific range of ideas throughout the text.¹⁵⁷

8 Conclusion

The analysis of selected episodes within the sagas of *Möðruvallabók* shows that the account of the settlement, as seen in *Egils saga* and *Laxdæla saga*, conveys sentiments which are present throughout all the sagas of the manuscript. The relation between Haraldr inn hárfagri and the powerful Norwegian men corresponds to the confrontation between a new and an old order, rather than a direct confrontation with royal power. According to this tradition, King Haraldr challenges the place of these powerful men within the society and imposes

torie i middelalderen, ed. by Gustav Storm (Oslo: Brøgger, 1880), pp. 69–124 (pp. 92–93). An apparent response to the sentiment expressed in this passage can be found in the *Dórnarabók* version of *Landnámabók* (AM 112 fol. and AM 106 fol., both from c. 1600–1700), in which it is asserted that the writing of the history of the settlement was important to counter foreign opinion that Icelanders were the descendants of slaves and evil people (*Ldn*, p. 336).

¹⁵⁶ *Ágr*, chapters 1–4, pp. 3–7. The text of *Ágrip* is thought by most scholars to be of Norwegian provenance; see *Ágrip af Noregskonungasögum: A Twelfth-Century Synoptic History of the Kings of Norway*, ed. and trans. by Matthew J. Driscoll, Viking Society for Northern Research Text Series, 10 (London: Viking Society for Northern Research, 1995), pp. x–xi and references given there. However, its provenance is not in itself an explanation for the fact that the settlement of Iceland is not mentioned in connection with the reign of Haraldr inn hárfagri.

¹⁵⁷ Cf. Adolf Friðriksson and Orri Vésteinsson, 'Creating a Past: A Historiography of the Settlement of Iceland', in *Contact, Continuity, and Collapse: The Norse Colonization of the North Atlantic*, ed. by James H. Barret, Studies in the Early Middle Ages, 5 (Turnhout: Brepols, 2003), pp. 139–61 (pp. 144–45).

his new form of government upon them. Therefore, this tradition suggests that the flight to Iceland was a movement of freedom, an action which high-born and powerful Norwegians were forced to take in order to keep their ancestral traditions alive. When the first generation of Icelanders went to Norway, they encountered a society changed from that of their ancestors, and some clashes were inevitable: in this opposition Icelanders saw themselves, and were seen, as distinct from Norwegians. Perhaps Lars Lönnroth's interpretation of travel episodes lays too much emphasis on the Icelanders being tested abroad.¹⁵⁸ I hope to have demonstrated that these episodes show that Icelanders go to the Norwegian court also to test the king and his followers. Anthony J. Gilbert notes, on the one hand, an admiration for courtliness and kingship, and on the other hand a resentment towards the powers of the king; he characterizes this as an ambivalence pervading the presentations of Icelanders in the Norwegian court.¹⁵⁹ I see the dynamic behind these accounts more as dialectic than ambivalence. The accounts of the travels to Norway and the Norwegian court, with their testing-and-being-tested dynamic, have a double function in the narratives: to reaffirm the noble ancestry of Icelanders—a Norwegian ancestry—and to affirm their new identity as Icelanders. When Icelanders arrive in Norway, they are at first portrayed as strange and lacking the ability to integrate into Norwegian society (as Gilbert also points out).¹⁶⁰ However, this initial strangeness is overcome when the Icelanders perceive themselves as different from the Norwegians, and when the Norwegians realize these differences. These circumstances explain why, as Geraldine Barnes points out,

travel episodes provide additional perspective on *Íslendingasögur* characters by highlighting significant or unexpected features of their conduct and personality in circumstances which offer opportunities for magnification and exaggeration unavailable, or impractical, on home ground.¹⁶¹

¹⁵⁸ Lönnroth, *Njáls saga: A Critical Introduction*, pp. 71–72.

¹⁵⁹ Gilbert, 'Social and National Identity', p. 412.

¹⁶⁰ Gilbert, 'Social and National Identity', p. 412 and also his examples of such episodes in the *þettir* (pp. 413–23). Harris, 'Saga as Historical Novel', pp. 187–219, analyses travel episodes in a group of *þettir*, in which Icelanders depict themselves in a "series of underdog heroes who assert themselves against Norwegian court prejudice and hold up their heads in the royal presence" (p. 217). See also the example of Glúmr in *Víga-Glúms saga*: section 6.1 above.

¹⁶¹ Geraldine Barnes, 'Authors, Dead and Alive, in Old Norse Fiction', *Parergon*, n.s. 8 (December 1990), 5–22 (p. 21).

The characterization of the Icelander in Norway is exaggerated, and sometimes seems comical, because it deals with the strangeness which the sagas describe as a necessary stage in the formation of Icelandic identity. Joseph Harris regards the travel episodes as a projection of the aspirations of thirteenth-century Icelanders into the past.¹⁶² It seems plausible to speak of this projection, especially since, as Ármann Jakobsson points out, the account in *Sturlunga saga* of the travels of thirteenth-century Icelandic chieftains to the Norwegian court mirrors the travel episodes in the *Íslendingasögur*.¹⁶³ Most importantly, these correspondences seem to indicate that thirteenth- and fourteenth-century Icelandic narrators and audiences perceived their relations with the Norwegian kings as a continuous but not uniform process: a process which legitimized and confirmed the rights of Icelanders in Norway.

The present analysis has shown how the tradition of the settlement communicates sentiments which frame the narratives as a whole. When the narratives present the conflict between Haraldr inn hárfagri and the Norwegian chieftains as a conflict between an old and a new social order, they entail a range of ideas which also appear in other episodes of the sagas. This is especially true of *Egils saga*, but the episodes within different sagas analysed here indicate how these emotions are communicated in the descriptions of the travels of Icelanders to the Norwegian court. Moreover, it must be noted that most of the sagas without such a description of the settlement contain genealogies which connect the characters in the saga back to the time of the settlement. As Kathryn Hume argues:

¹⁶² Harris, 'Saga as Historical Novel', pp. 216–17. On the other hand, Harris remarks that it is not a case of mere analogy, "in the sense of a contemporary problem transposed arbitrarily to a previous period"; rather, the sagas "seem to present a situation in the past which contains the *seeds* of the saga-writer's present" (p. 216).

¹⁶³ Ármann Jakobsson, 'Hákon Hákonarson: friðarkonungur eða fúlmennt', *Saga*, 33 (1995), 166–85. Jakobsson argues that those thirteenth-century Icelanders "fetuðu í fótspor forferðra sinna, sem greint er frá í Íslendingasögum og þáttum. Í Íslendingasögum er algengt að hetjur fari til Noregskonunga, vinni sér hylli þeirra og yrki um þá kvæði. Sú siðvenja á sér hliðstæðu á 13. öld" (p. 180) [followed in the footsteps of their ancestors, as is examined in the *Íslendingasögur* and the *þættir*. In the *Íslendingasögur*, it is common for the hero to go to the Norwegian king, gain grace for himself and compose verses about it. This convention has parallels with the thirteenth century].

The ancestor lists going back to settlement then are not just anti-quarian (as Andersson and others label them), with the connotations that word has of dry, bloodless, academic interest. Rather, most of them carry an implicit comment on relations with Norway, historical and contemporary. But that is not their only function. We who rarely know our forebears before great-grandfather fail to realize how real past kin can be to a man, or how great a role kinship played in Icelandic history.¹⁶⁴

Indeed, as the analysis in Chapter 2 seems to indicate, Icelanders preserved their legal rights in Norway through the conservation of traditional laws, conferred on them in consequence of their Norwegian ancestry. In the same way, Norwegians in Iceland were also granted special legal rights as a function of their ancestral connection with Icelanders. Reflections of many legal provisions in the *Ólafslög* can be found in the narratives. In Chapter 2, I suggested that the writing of those legal texts and the sagas are the result of the same endeavour by the Icelanders to continuously confirm and legitimize their relation with Norway. In his analysis of the views of the Norwegian king in Icelandic texts, Theodore Andersson suggests that the Norwegian king was “a haunting presence in the sagas, a phantom king perhaps, but a phantom that visited the saga writers in eerie forms”.¹⁶⁵ Andersson sees the Icelandic concern with Norwegian affairs (and with the kings of Norway in particular) as a paradox; this view of the Icelandic attitude as paradoxical is only possible within the perspective (discussed in Chapter 3) which sees the Icelanders’ submission to the rule of the Norwegian king as a catastrophe, which the Icelanders tried to avoid.¹⁶⁶ The Icelandic submission is perceived as a dramatic rupture with the ‘Free State’ period, and sometimes as the result of the Norwegian king’s cunning manoeuvres.¹⁶⁷ Indeed, Andersson argues that Icelanders:

¹⁶⁴ Kathryn Hume, ‘Beginnings and Endings in the Icelandic Family Sagas’, *Modern Language Review*, 68 (1973), 593–606 (p. 603). Úlfar Bragason, ‘The Politics of Genealogies in *Sturlunga saga*’, in *Scandinavia and Europe 800–1350: Contact, Conflict, and Coexistence*, ed. by Jonathan Adams and Katherine Holman, Medieval Texts and Cultures of Northern Europe, 4 (Turnhout: Brepols, 2004), pp. 309–21, discusses the role of genealogy in the distribution of power in *Sturlunga saga*.

¹⁶⁵ Theodore M. Andersson, ‘The King of Iceland’, *Speculum*, 74 (1999), 923–34 (p. 934).

¹⁶⁶ Andersson, ‘The King of Iceland’, p. 932.

¹⁶⁷ Jakobsson, ‘Hákon Hákonarson’, pp. 167–85, shows how preconceived ideas of the Icelandic ‘Free State’ have interfered with some scholars’ perceptions of the relation between Icelanders and the Norwegian kings, in particular King Hákon Hákonarson.

had a keen sense of what they stood to lose with the passing of their political independence, and that sense contributed to a belated redefinition of their own traditions in their native sagas, on the pages of which we can still detect the undertones of impending loss.¹⁶⁸

However, as I hope to have demonstrated, the sagas and laws analysed in this study indicate that the submission to the Norwegian king was the result of a continuous political development, rather than a rupture. The presence of the Norwegian king in the sagas and laws reflects a continuous debate about his presence in Icelandic life (and the *Ólafslög* also shows that Norwegian royal power exerted a greater influence over Icelanders than has been acknowledged). In the sagas, Icelanders are portrayed at the same time as free men who are not subject to the king's power, and also as showing obedience to the king, in the same way as any other subjects of the king: the same hybrid relation emerges from the *Ólafslög*. Icelanders were not ready to embrace the idea of having a king without discussing it: kings are subject to scrutiny and approval for them is not to be expected without question.¹⁶⁹ The encounters between the Norwegian kings and Icelanders analysed here show that their relations were the subject of negotiations, rather than simple opposition or approval.

¹⁶⁸ Andersson, 'The King of Iceland', p. 934.

¹⁶⁹ The idea of kingship as an office, detached from the personality of the king, is not seen in the sagas analysed above. Any attempt to conceptualize kingship is strongly dependent on the individual characterizations of kings and their personal relations. Scholars argue that the concept of kingship as an office is found in the kings' sagas (see also Chapter 1, Section 4, footnote 85 above). In *Í leit að konungi*, Ármann Jakobsson contextualizes the idea of kingship expressed in the *konungasögur* within a European heritage. Sverre Bagge contrasts the ideas of individual kings and of kingship as an office articulated in Icelandic works in 'The Norwegian Monarchy in the Thirteenth Century', in *Kings and Kingship in Medieval Europe*, ed. by Anne J. Duggan, King's College London Medieval Studies, 10 (London: King's College London, 1993), pp. 159–77; see also his 'Old Norse Theories of Society: From *Rígsþula* to *Konungs skuggsjá*', in *Speculum regale: Der altnorwegische Königsspiegel ('Konungs skuggsjá') in der europäischen Tradition*, ed. by Jens Eike Schnall and Rudolf Simek, *Studia Mediaevalia Septentrionalia*, 5 (Vienna: Fassbaender, 2000), pp. 7–45 and 'Snorri Sturluson und die europäische Geschichtsschreibung', *Skandinavistik*, 20 (1990), 1–19.

CONCLUSION

This book has investigated the continuously changing and fluctuating process of thought surrounding the relations between Icelanders and the Norwegian king during the thirteenth and fourteenth centuries, a process which had begun before this period and extended beyond it. The book began by analysing the problems involved in the authorial attribution of the sagas, and suggested that they are best understood as anonymous works. They are complex social products of a manuscript culture, not merely the works of a single individual. Understanding the sagas in this way shows us that the variant readings which centuries of writing and re-writing have generated are intrinsically connected to the historical conditions in which they appeared. A variant reading is not merely an autonomous entity which can be understood only through microscopic textual analysis; rather, it may also be understood within a holistic historical analysis. Future studies of the sagas can benefit from this type of analysis by liberating texts from their condition of being either derivative of, or sources for, another text. Ármann Jakobsson's research on *Morkinskinna* is a move in this direction. Theodore Andersson writes in his review of *Í leit að konungi* that Jakobsson's substitution of a synchronic perspective of the sagas for the old diachronic one might raise objections among some scholars: "purists may demur when a point is made about *Morkinskinna* by citing a passage probably interpolated from *Ágrip*".¹ As Chapter 1 of this book argues, though, through a discussion of the attribution of the authorship of *Heimskringla* to Snorri Sturluson, a purist approach to the sagas might involve identifying passages in one text which belong to another, whose authorship is presumed. This book has argued that it is necessary for us to understand the rationale and the historical circumstances which underlie an approach to the medieval text that denies its multiplicity and variety, confining it to a fixed, idealized text, the existence of which is impossible to ascertain.

Such considerations about multiplicity and variety of texts were also applied to the legal texts. When they are freed from their con-

¹ Theodore M. Andersson, Review of Ármann Jakobsson's *Í leit að konungi: konugsmynd Íslenskra konungasagna*, *Journal of English and Germanic Philology*, 98 (1999), 281–83 (p. 283).

dition of being merely textual variants, it is possible to look at their variety and multiplicity as an ideological response to specific historical conditions. For example, the existence of the two manuscripts of *Grágás* from the middle of the thirteenth century can be taken to be an indication that Icelanders were preparing themselves for the changes which the forthcoming rule of the king would bring. The multiplicity of fifteenth- and sixteenth-century documents of the Icelandic submission testifies to the political pressure exerted on the Dano-Norwegian kings by the Icelanders. I have suggested that the fifteenth-century documents were fabricated in order to exert this pressure, and that the subsequent documents from the sixteenth century were also legitimizing the historical material that was being brought to light by the historiographical revival of that time. The discussion of the circumstances in which the authorship of *Heimskringla* was attributed to Snorri Sturluson has shown how sixteenth-century historical conditions influenced the way in which these works have been—and continue to be—interpreted. Likewise, the sudden appearance of these texts seems to have been conditioned by that specific moment in Icelandic history. Further research into the extant documents of the submission from the fifteenth and sixteenth centuries may assist us in determining where and by whom these copies of the texts were written, and in what specific circumstances. This would explain in more detail how these texts were written and would provide a clearer picture of the Icelanders' historiographical efforts. This research would answer to the general necessity of studying the historical circumstances of the making of manuscripts. As Már Jónsson has pointed out,

we have an abundance of excellent orthographic, palaeographic and morphological descriptions of single manuscripts, more or less from a linguistic point of view and the goal is always to illuminate some aspect of the text and transmission. An overview of the knowledge provided by these studies is badly needed, but there is an even greater need to supplement them with research on the manuscripts as such from a historical point of view, concentrating on the concepts inherent in the work of the persons involved in making, preparing, writing and illuminating them.²

² Már Jónsson, 'Recent Trends (or their lack) in Icelandic Manuscript Studies', *Gazette du livre médiéval*, 36, (2000), 11–16 (p. 13). See also Stefán Karlsson, 'The Localization and Dating of Medieval Icelandic Manuscripts', *Saga-Book*, 25 (1998–2000), 138–58, who demonstrates that a palaeographical and historical analysis may help us to reassess manuscript production in mediaeval Iceland.

The approach taken to the legal texts in Chapters 2 and 3 suggests a different interpretation of the historical situation from that which has become almost canonical. The methodological assumption here is that contradictions and ambiguities within the legal texts may reflect historical contradictions which were at work at the moment of their creation. This approach is supported by an understanding of the law as a cultural object, which, in its origin, is the product of appreciative and teleological considerations, that is, the product of contradictory desires and values. Chapter 2 indicates that the King of Norway may have exerted greater power over the Icelanders than has previously been suggested. Chapter 3 suggests that the Icelanders' submission to the Norwegian king was not motivated merely by a lack of ships or impoverishment. Moreover, both chapters suggest that the relations between the Icelanders and the King of Norway were seen, by Icelanders of the thirteenth and fourteenth centuries, as an object of negotiation by both parties. It may also be possible that this process of negotiation was at work as early as the eleventh century, when the *Ólafslög* were thought to have been written; at least, thirteenth- and fourteenth-century Icelanders seemed to believe that this was the case.

The laws were a medium for these negotiations. The *Ólafslög* show that the rights of Icelanders in Norway and Norwegians in Iceland were not exactly equal or perfectly symmetrical, but were an expression of their differences. These differences were the object of a dialectical relation between Icelanders and Norwegians. A re-assessment of the so-called submission documents demonstrates that Icelandic submission—for all that it shocked Icelandic scholars from the seventeenth to the nineteenth century—was not a sudden, radical change which was brought about by the Icelanders' political ineptitude and poverty (and therefore an isolated, lamentable fact). On the contrary, the Icelanders' decision to submit to the power of the Norwegian king was part of a process comprising negotiations between them.

The sagas were not exactly a medium of negotiation between the Icelanders and the king, but rather between the Icelanders and their past and present. They provide evidence of a continuously changing and fluctuating process of thought about the historical relations between the Icelanders and the Norwegian kings. The analysis of saga narratives in Chapter 4 demonstrates that Icelanders were constantly considering the traditional legacy of their Norwegian ancestors (this traditionalism is also found in the *Ólafslög*, in which privileges

were probably granted to Icelanders in Norway as a result of their Norwegian ancestry). The presence of the Norwegian king in the sagas reflects a continuous debate about his presence in Icelandic life, a presence which was not universally felt to be threatening, but which needed to be carefully considered. Legal texts and sagas show that Icelanders did not simply adopt an anti-royalist attitude; in some aspects of their life, indeed, they seem to have related to the Norwegian king as his subjects. In many aspects, however, they kept away from the king's influence and maintained their own Icelandic way of life.

APPENDIX 1

ÓLAFSLÖG

This transcription of the *Ólafslög* is based on the facsimile edition of the manuscript GKS 1157 fol.,¹ and is intended to supplement the information discussed in Chapter 2. In the manuscript, the text, which like the rest of the manuscript is written in double columns, is separated by two headings, and within the provisions following these headings, the text flows continuously, with capital letters marking distinct grammatical clauses, not separate legal provisions. Expansions of abbreviations and brevigraphs, and lowered superscript letters, are indicated with italics. The numbering in the text is artificial. Cf. *NgL*, I, pp. 437–38; *GrgKon*, II, §§ 247–48, pp. 195–97; *DI*, I, no. 16, p. 54 and no. 21 A, pp. 65–67.

fra rétt noregs konungs a islandi

[1] Sa er réttir konungs or noregi a islande at sialf stefint *scal* socom *hans vera. oc* at logom þar landz manna sokia. Lög *oc* rett *scolo* *hans menn* þar hafa. sličan *sem* landz menn. [2] Arf *scal* taca a islande frænde eða felagi. En ef þeir ero *eigi til. þa* *scal* biða þaðan erfingia.

vm rett islendinga i noregi

[3] Islendingar eigo at hava haldz rétt i noregi. [4] Arf eigo at taca i noregi af islandi næsta brøðra. sliet konur *sem* karlar eða nánare menn. Eiðr .iiij^a. *manna* *scal* sana frændseme þa *er* *menn* vilia þess beiða. En ef *eigi* *er* her arftoko *maðr*. þa *scal* halda her fe þat sá boande *maðr*² vetr .iii^a. *er* *hann* var i husom með nema fyrr comi næsta brøðre eða nanare *maðr*. [5] Islendingar *scolo* *eigi* toll giallda i noregi nema land ara eða varð monnum i cap'.³ Karl men fríalsir þeir *er* fullan rétt eigo *scolo* gialda landara .vi. felde. *oc* .vi. alnir vaðmals. eða hálfa more silfrs. Þa *er* comit til þess gialdz *er* *menn* coma i ackeris sát eða i land festar. [6] Islendingar eigo i noregi at nióta vatz *oc* viðar. En þar at eins eigo þeir at høgva við þan allan *er* þeir vilia *er* konungs

¹ *The Codex Regius of Grágás: Ms. no. 1157 in the Old Royal Collection of The Royal Library Copenhagen*, with an introduction by Páll Eggert Ólason, *Corpus Codicum Islandicorum Medii Ævi*, 3 (Copenhagen: Levin & Munksgaard, 1932).

² The word 'maðr' is indicated in the manuscript by a brevigraph over the word 'boande'; see Chapter 2, footnote 102.

³ The word 'cap' is most probably an abbreviation for *kaupagnr*; see Chapter 2, footnote 89.

morc er. [7] Þa ero islendingar scýlldir utfarar með konungi er her er viss í noregi oc almenningr er úte. Þa scal eptir sitia hin þriðe hvær enn .ii. fara. Noreg ero islendingar scýlldir at verja⁴ með konungi en eigi til lengri herferða. [8] Eigi scal taca þat fe af islendingom i norege er tømiz i anars konungs vellde. [9] Útför eigo islendingar til islandz nema viss se herr i noregi. En islendingar eigo at fara af sino lande til hvers landz er þeir vilia. [10] En ef islendingar gialda landara i eyiom eða a hialtlande þa ero þeir eigi scýlldir at giallda aðra landara i noregi. nema þeir fare ut amille. [11] Karl maðr hverr a utan at fara heill oc hraustr er landara ma gialda. En buferla eigo utan at fara þeir er omogom sinom mego vorð vm veita. oc utgerþir þær gera. Oc kona hver sv er fylgir boanda sinom. eða feðr eða sone eða bróðor. ef hon a .iij. m' fiar. [12] Ef utlendr maðr andaz her þa scal hús boande taca af .vi. ára talþa til þurptar honom. En siþan scal hann láta husfasta men .iiii. þa er næstir ero a tvær hendr virða fe þat. Ef næstabroðre eðr nanare maðr kóm til þa scal hann æsta tacs at biarceyiar rétte til mótz. Tacs æstingar váttar ero eigi scýlldir at vina eiþa. ef husboande gengr igeign tacs æstingo a móte. Frænsemi scal sa maðr telia er fe heimtir með ser oc enom daða oc vina eið at. oc sua at þui at hann tekr þat fe til uthafnar oc vill erfingiom fœra a næsta sumre ef hann ma. Saðanar menn hans .ij. scolo eiða vina at sv er frændsems tala sán oc ero þeir eigi scýlldir at telia frænsemi. oc eigi at fela fleira undir eið. þa eigo byiar menn at leggja dom á. oc veita vápna tac at. siþan scal husboande reiða fe af hendi oc legia eið á at þat fe allt af hendi goldit er hinn daðe átte. [13] Ef maðr týnir sva fe sino at hann á eigi hag at giallda alla landara þa er hann eigi scýldr at giallda. [14] Ef þeir menn verða sáhafa i noreg er vart hafa til grön landz eða fara í landa leitan. eða slítr þa út fra islandi þa er þeir vilde fœra scip sin mille hafna. þa ero þeir eigi scýldir at giallda land ara. Þann rett oc þa lög gaf olafir hin hælgi konungr islendingom. er her er mækr. Gitzor biskup oc Teitr filius eius. Marcus. Hreín. Einar. Biorn. Guðmundr. Daðe. Holmstein. þeir svoro þess. at Isleifr biskup oc menn með honom svorðo til þess rettar sem her er mækr. At þan rett gaf olafir en hælgi islendingom eða betra.

⁴ This abbreviation is better read as 'verja' [to defend] since 'Noreg' [Norway] is accusative; see Chapter 2, footnote 87.

APPENDIX 2

DOCUMENTS OF THE SUBMISSION (CHAPTER 3)

The brief descriptions of the manuscript contents given below are intended to complement the information discussed in Chapter 4, Section 6 above. These are my own transcriptions. They are not orthographical or palaeographical descriptions of these manuscripts; they are rather transcriptions of the manuscripts' contents. The texts were originally composed according to such diverse conventions that it would be difficult, and potentially misleading, to attempt to reproduce every detail (diacritics, signs, symbols) exactly. Furthermore, in the case of diacritics, it has not always been possible to discern whether they are original or later additions. The following conventions have therefore been used:

- diacritics have not been reproduced;
- the a-ligature (aa)—which is the letter form used by most of the scribes in these texts—has been used throughout to represent the long vowel, even when the scribe indicates it in different ways (e.g. á, áa, áá, ä, â);
- expansions of abbreviations and brevigraphs, and lowered superscript letters, are indicated with italics;
- clear instances of metathesis and dittography have been retained;
- deletions have not been retained;
- words which are illegible because of the condition of the manuscript are taken from the transcription of the text in *DI*, and are supplied in square brackets.

All the dates given below are from the *ONP*. When the *ONP* does not provide a date, because the manuscript in question is dated beyond the dictionary's upper chronological limit—that is, 1540 for Icelandic texts—the dates given here show the average of the dates in *DI* and in *Katalog over den Arnemagnæanske håndskriftsamling*.

AM 137 4°, FOL. 101R

The manuscript contains legal matters, beginning on fol. 2v (after miscellaneous writings from the seventeenth century) with several *rétarbætr*, including a different copy of the document of the submission transcribed below (AM 137 4°, fols 3v–4r), *Jónsbók* and *Kristinn rétr Árna biskups*, all dated to *c.* 1440–1480. There follow the document of the submission (written in a hand dated to *c.* 1500) on the last leaf of the manuscript, and miscellaneous short legal texts written in the sixteenth and seventeenth centuries. Cf. *DI*, I, no. 153 A, pp. 635–36.

J nafne faudr og sonar og hilax anda uar þetta jad og samþygt med allum allmuga æ jslandi æ alþingi med lofa take at ver biodum hakone konungi hinum koronada uora þionustu vndir þa grein laganna er samþygt j mille konung domsins og þegnana þeirra er landit byggia. er su hin fyrsta grein at vier uilium giallda konunge skatt og þing farar kaup slikan sem laugbok vottar og alla þegnaskyldu suo framt sem halldin er uit oss þau heit sem j motti skattinum uar jad wtan stefningar uilium ver aunguar hafa utan þeir menn sem dæmdir uerda af vorum monnum æ alþinge j burt af landinu. jtem at islenskir se logmenn æ landi voro af þeirre ætt sem at fornu hafa godordin upp gefit. jtem at .ui. hafskip gange æ hueriu ari til landzins forfallalaust. Erfdir skulu og uppgfaz fyrir jslenskum monnum j norige huersu leingi sem stadt hefur þegar rettar erfdir koma til eða þeirra umbods menn land aurar skulu upp gefaz slikan riett skulu hier jslenskir menn j norige sem þeir hafa bestan haft. jtem at konungr lati oss na jslendzkum logum og fride eptir þui sem laug bok vottar og hann hefur bodit j sinum brefum. jall uillium uier hafa yfir oss med hann helldur trunad uit ydur en frid uit oss hallda skulum uer og uorir arfar allan trunad uit ydur med þier og ydrir arfar hallda uit oss þessa sætar giord en lauser ef rofin uerdur af ydari alfi at besta manna yfersyn. til þess legg ek haund æ helga bok og þvi skyt ek til guds at ek suer herra hakoni konungi og ma magnusi konungi land og þegna og æuinligan skatt med slikre skipan og maldaga sem nu erum uer æ satter ordner og maldaga bref ut uisar. g. [s.] o. h.

AM 148 4°, FOLS 107R–107V

The manuscript contains legal matters, beginning on fol. 1v with *Jónsbók*, several *rétarbætr*, among which the document of the submission transcribed below, dated to *c.* 1500. After a short legal text in a seventeenth-century hand, there follow *Kristinn rétr Árna biskups* and church statutes, written *c.* 1500. Cf. *DI*, I, no. 153 B, pp. 636–37.

Samþykkt

J Nafne faudur og sonar og anda heilags. Var þetta jad og samþykkt af aullum almuga æ jslande æ alþinge med lofua take. at uier biodum hakone konungi hinum koronada uora þionustu vnder þa grein laganna er samþykkt er medal konungdömsins og þegnanna þeirra er landit byggia. Er su fysta grein at vier uilium giallda konungi skatt og þingfararkaup slikann sem laugbok uottar og alla þegnaskylldu suo framt sem halldin er vid oss þau heit sem j moti skattinum var iad. J fystu at utan stefningar uilium vier aunguar hafua utan þeir menn sem dæmder verda af uorum monnum æ alþinge burt af landinu. Item at islendzker sie laugmenn og syslumenn æ landi uoru af þeirra ætt sem at fornu hafua godordin upp gefit. Jtem at sex hafskip gangi æ hueriu ære til landzins forfallalaust. Erfder skulu upp gefazt fyrir islendzkum monnum j noregi. huersu lengi sem stadi hafa þegar retter arfuar koma til edr þeirra umbodsmenn. Landaurar skulu upp gefazt. Jtem slikann rett skulu hafa islendzker menn j noregi sem þeir hafua beztann haft. Jtem at konungr lati oss næ jslendzskum laugum og fride epter þui sem laugbok uor uottar og hann hefer bodit j sinum brefum sem gud gefur honum framazt afl til. Jtem jarl uilium vier hafua yfer oss medann hann helldr trunad vid ydr enn frid uid oss. Hallda skulum uier og vorer arfar allann trunad vid ydr æ medann þier og ydrer arfuar hallda uid oss þessa sættargjörd. Enn lauser ef rofin verdr af yduari halfu at beztu manna yfersyn.

eidur

Tjl þess legg eg haund æ helga bok og þui skyt eg til gudz at eg suer herra hacone konungi og magnusi konungi laund og þegna og æfuinnligann skatt med slike skipan og maldaga sem nu erum uier æ sætter uordner og skildaga bref uort uottar. gud sie mier hollur.

AM 135 4°, fol. 107r

The manuscript contains legal and religious matters, beginning on fol. 2v (after miscellaneous notes from the seventeenth century on fols 1v–2v) with several *réttarbætr*, dated to *c.* 1490. There follow miscellaneous religious writings, *Jónsbók*, several *réttarbætr*, miscellaneous legal texts, including *Kristinn réttir Árna biskups* and *Kristinna laga þáttir*, all of which are written *c.* 1350–1400, except for two short articles dated to *c.* 1480 on fol. 73v. There follows miscellaneous legal material, among which the document of the submission transcribed below, written *c.* 1490. Cf. *DI*, I, no. 156 I, p. 688.

J Nafni fodr og sonar og heilags anda. var þetta jatad og samþykkt af ollum almuga æ Jslandi. med lofa taki. ver biodum virdulegum herra Hæ koni konungi hinum koronada vora þionustu vndir þa græn laganna sem samþykkt er millum kongdömsins og þegnanna er landit byggia. J fyrstu græn at ver vilium

giallda konungi skatt og þingfarar kaup sem logbok vottar og alla þegnskyldu svo framt sem halldit er vid oss þat moti var jatat skattinum. J fystu at vtan stefningar skyldu ver önguar hafa. vtan þeir menn sem dæmdir verda. af vorum monnum æ alþingi burt af landinu. Jtem at jslendskir se logmenn og syslu menn her æ landinu af þeirra ætt sem at fornu hafa godordin vpp gefit. Jtem at vj hafskip gangi æ hueriu æ ri til landzins forfallalaust. Erfdir skulu vpp gefazt fyrir jslenskum monnum j noregi huersu leingi sem stadit hafa þegar Rettir arfar koma til edr þeirra vmbods menn. Land aurar skulu og vpp gefazst Jtem skulu slikan Rett jslendskir menn hafa j noregi sem þeir hafa bezstan haft. Jtem at konungr læ ti os næ fridi jslendzskum logum eptir þui sem logbok vor vottar og hann hefir bodit j sinum brefum sem gud gefur honum framazt vit til. Jtem jall vilium ver hafa yfir oss medan hann helldr truna vid ydr en frid vid oss. hallda skulu ver og vorir arfar allan trunad vid ydr medan þer og ydrir arfar halldit trunad vid oss og þessar sættargerdir. en lausir ef rofinn verdr af ydari hendi. at bezstu manna yfirsyn. sed libera svo læt ek vera.

AM 151 4°, FOL. 139v

A legal manuscript which starts with legal *formulae* (c. 1475–1500), *Jónsbók*, *Kristinn réttir Árna biskups* (both c. 1450) and miscellaneous legal texts, among which the document of the submission transcribed below, written c. 1500. At the end of the text, there follows a clause from a legal document from 1265.¹ Cf. *DI*, I, no. 156 E, pp. 678–79.

J nafni faudr og sonar og anda heilax. Var jad og samþykkt af aullum almuga æ Jslandi æ alþingi med lofataki at ver biodum vírduligum herra Hakoni konungi hinum koronada vora þionuzstu under þæ grein laganna er samþykkt var medal kongdömsens og þegnanna þeirra er landid bygia. Er sv fysta grein at vier vilium giallda konungi skatt og þingfarar kaup efter því sem laugbok vottar og alla þegnskyldu. suo framt sem halldin eru vid oss þau heit sem i moti skattinum var iad. J fystu at utan stefnur vilium vier aunguar hafa. vtan þeir sem dæmder verda af vorum monnum æ islandi æ alþingi. j burt af landid. Jtem at islenzdsker sie laugmenn og syslumenn æ landi voru. af þeirra ett sem at fornu hafa godordin upp giefit. Jtem saker naudsýnia landzins og fatæktar folksins er landid bygia villdum vier eiga at næ því líkum skipagangi hingat j landit og þeim gotzsum hladin. sem landenu eru nyttilig og almuganum þarflig og hier kunna ekki at fazst epter því sem iatat var þessum æ rlega skipa gangi forfallalaust. Arfar skulu upp gefazt fyrir jslendzkvm monnum j noregi hversu leingi sem stadid hafa þegar retter arfar koma til edr þeirra vmbodsmenn.

¹ See Chapter 3, Section 6.1, footnote 65 above.

Landaurar skulu upp gefazst. Slikan riett skulu hafa islendzsker j noregi sem þeir hafa sem þeir hafa beztan haft. Jtem at konungr [lati] oss næ islendzkvm laugum og fride efter því sem laugbok vor vottar og hann hefer bodid i sinum brefum. sem gud gefr honum framazt aufl til. Jall vilium ver og hafa yfer oss medan hann helldr trunad med ydr. enn frid vid oss. Hallda vilium vier og vorer arfar allann trunad vit ydr medan þier og ydr arfar halldit vid oss þessa settargiord. enn laus er ef rofin verdur af ydari hendi. at bestu manna yfersyn. Jtem þær konr sem osæmr eru af lausum monnum skulu eigi gefa fie ne peninga til frelsis þeim er þær osemdir til osæmdar sinnum aurfum.

AM 157 B 4°, FOL. 27R

The manuscript contains exclusively legal material (though its end is defective), beginning with *Kristinn réttir Árna biskups*, followed by several *réttarbættir*, including the document of the submission transcribed below, all written *c.* 1460. Cf. *DI*, I, no. 156 C, pp. 674–75.

J nafne faudr og sonar og heilax anda. Var tiad og samþyckt af aullum almuga. æ islande æ alþinge med lofa take ad uier biodum uirdulegum herra konunge hakone hinum koronada uora þionustu under þa græn laganna er samþyckt er j millum kongdómsins og þegnanna þeirra er landit byggia. Er su fyrsta græn ad uier uilium giallda konunge uorum skatt og þingfarar kaup slikan sem laug bok uottar og alla þegnaskylldu suo framt sem halldin eru uid oss þau heit sem j mote skattinum uar iatad. J fyrstu at utan stefnur uilium uier aunguar hafa utan þeir menn sem dæmder uerda af worum monnum af islande æ alþinge brutt af landinu. Jtem ad islenzker menn. sieu laugmenn og syslu menn æ islande af þeirra ættum sem godordin hafa upp gefit ad fornu. Jtem at hafskip .vi. gange æ hueriu are til landzenz forfallalaust. Arfar skulu upp gefaz fyrir islenzkum monnum j norege huersu leinge sem stadit hefr þegar rietter arfar koma til eda þeirra umbodsmenn. landaurar skulu uppgefaz. jtem slikan riett skulu hafa islenzker menn j norege sem þeir hafa beztan haft hier. þann at konungr late oss na islenzkum laugum og fride epter því sem laugbok uottar og hann hefur bodit j sinum brefum. sem gud gefur honum framaz afl til. jarl uilium og hafa yfer oss medan helldr trunad vid ydur enn frid uid oss. hallda skulum uier og uorer arfar allann trunad uid ydr. medan þier og ydrer arfar hallda uid oss. þessar sattargiorder. enn lauser ef rofit er af ydare hende. at beztra manna yfer syn.

AM 168 B 4°, FOLS 12R–12V

The manuscript is also defective and contains only legal material. It begins with *Kristinn réttir Árna biskups* (*c.* 1300–1400), followed by mis-

cellaneous material written *c.* 1475–1500, such as ordinances and statutes, and the document of the submission transcribed below. Cf. *DI*, I, no. 156 F, pp. 681–82.

J nafne faudr og sonar og anda heilagx var þetta jatad og samþygt af aullum almuga æ jlandi med lofa taki. Vær biodum uirduligum herra Hakone konungi hinum korunada vora þionuzstu under þæ grein laganna sem þygt er mille kongdomsins ok þegnna er landit byggia. J fystu grein at vær uilium giallda konungi skatt og þingfarar kaup sem logbok vottar og alla þengskylldu so framt sem halldit er uid oss þat þat er j moti var jatad skatinum. J fyrstu at vtan stefningar vilium vær aunguar hafa utan þeir menn sem dæmder verda af uorum monnum æ alþinge burt af landinu. Jtem at jslensker se logmenn og syslumenn hier æ landinu af þeirra ættum sem godordin hafa upp gefit. Jtem at vi. hafskip gangi til landzins æ hueriu ari forfallalaust. Erfder skulu upp gefazt fyrir jslenzkum monnum j noregi huerssu leinge sem stadiit hefer þegar retter erfingiar koma til edr þeirra vmbodsmenn. Landaurar skulu upp gefazt. Jtem skulu islensker menn hafa j noregi slikan rett sem þeir hafa beztann haft. Jtem at konungr late oss næ fride ok jslenskum logum epter þui logbok uor wottar ok hann hefer gefit og bodit j sinum brefum sem gud gefur honum framazt vit til. Jtem jarl uilium ver hafa yfer medan hann helldr trunadi uid ydr. Enn frid uid oss. Hallda skulu vær og worer arfar allan trunad uid ydr medan þier og ydrer arfar halldit trunad wit oss og þessar sættargiorder. Enn laust ef rofnar uerda af yduare alfu at beztu manna yfer [syn].

AM 175 A 4°, fol. 19r

The manuscript is defective. After some miscellaneous writings on fol. 1r, it begins with *Kristinn réttir Árna biskups*, followed by the document of the submission transcribed below, both written *c.* 1450, and church statutes. Cf. *DI*, I, no. 156 A, pp. 670–71.

J nafne fodr og sonar og heilags anda uar þetta jætad og samþyckt af ollum almuga æ jslande med lofa take. Uier biodum uirduligum herra hakone konunge hinum korunada uora þionustu under þæ grein laganna sem samþykt er mille konunge domsins og þegnana er landit bygia. J fystu grein at vær uilium giallda konunge skatt og þingfarar kaup sem logbok uottar og alla þengskylldu suo framt sem halldit er uid oss þat mote uar jatad skatánnum. J fystu at utan stefningar skyldum uier aunguar hafa utan þeir menn sem dæmder uerda af uorum monnum æ alþinge burt af landenu. Jtem at jslendzkir se logmenn og syslumenn hier æ landenu af þeirra ætt sem at fornu hafa godordin upp gefit. Jtem at sex hafskip gangi til landzins æ hueriu are forfallalaust. Erfder skulu upp gefazt fyrir jslenskum monnum j norege huersu leinge sem stadiit hafa þegar er retter arfar koma til edr þeirra umbodsmadr landaurar

skulu og upp gefazt. Jtem skulu slíkan rett jslendzker menn hafa j noregi sem þeir hafa beztan haft. Jtem at konungr late oss na frídi og jslenskum logum epter þui sem logbok uor uottar og hann hefer bodit j sinum brefum sem gud gefur honum framazt uit til. Jtem jall uilium uær hafa yfer oss medan hann helldr trunad uid ydr en frídi uid oss hallda skulum uier og uorer arfar allan trunad uid ydr medan þier og ydrer arfar halldit trunad uid oss og þessar sattargiorder fyrr skrifadar enn lauser ef rofin uerdr af yduare alfu at beztu manna yfersyn et cetera.

AM 456 12°, FOLS 41v–42r

The manuscript begins with *Jónsbók*, followed by several *réttarbætr*, among which the document of the submission transcribed below (fols 41v–42r) and the document transcribed further below (fols 36r–36v), all written *c.* 1480–1500. There follow some miscellaneous texts written within the same period. Cf. *DI*, I, no. 156 D, p. 676.

Samþykkt

I nafni fodor og sonar og heilags anda. uar jad og samþykkt af ollum almuga æ Islandi æ alþingi með lofataki at uær biodum uirðuligum herra hakone konungi hinum koronada uora þionuztu under þa grein laganna er samþykkt er meðal kongdömsins og þegnanna þeirra er landit byggja. Er su fyrsta grein ath uær uilium gjalda konungi skatt og þingfararkaup slíkan sem logbok vottar og alla þegnaskylldu suo framt sem halldin ero uid oss þau heit sem j mot skattinum uar jatat. J fyrstu at utanstefnur uilium uær aunguar hafa utan þeir sem dæmdir verda af uorum mönnum æ Jslande æ alþingi burt af landinu. Jtem at jslendzker se logmenn og hirdstjórar og suo syslu menn æ landi voru af þeirra ætt sem at fömu hafa godordin upp gefit. Jtem at ui hafskip gangi æ hueriu æ ri til landzins forfallalaust. Arfar skulu upp gefazt fyrir jslendzkum mönnum j norigi hversu leingi sem stadi hafa þegar retter arfar koma til edur þeirra umbodsmenn Landaurar skulu upp gefazt. Jtem slíkan rett skulu hafa islendzker menn j norigi sem þeir hafa beztan haft. Jtem at konungr lati oss na islendzkum laugum og frídi epter þui sem laugbok uor uottar og hann hefer bodit j sinum brefum sem gud gefur honum afl til. Jarl uilium uær og hafa yfer oss medan hann helldur trunad uid ydur en frídi vid oss. Hallda skulum uær og uoir arfar allan trunad uid ydur medan þier og ydrer arfar hallda uid oss þessa sattargiord. en uær lausir ef rofin uerdr af yduari hendi at beztra manna yfirsyn. // DATUM.

GKS 3269 B 4°, FOL. 66v

The manuscript begins with *Jónsbók* and *réttarbætr* written *c.* 1330–1340, followed by *réttarbætr* written *c.* 1350–1400. The document of the submission transcribed below is written on the last leaf of the manuscript, and has been dated *c.* 1400–1500. The text is very faded and illegible in parts, and many words need to be supplied from *DI*. Cf. *DI*, I, no. 156 B, pp. 671–72.

J nafne favdr og sonar og heilags anda. var þetta jatad og samþykkt af avlvm almvgæ æ jslandi með lofa take. viær biodvm virdvligvm herra Hakone konunge hinum koronada vora þionvstv vnder þa grein laganna sem samþykkt er millvm kongdömsins og þegnanna er landit byggja. J fystu græin ath vær vilvm giallda konungi skatt og þingfarar kapp sem laugbok vottar og alla þegnaskyldv so framt sem halldit [er við oss] þat mote var jattat skattinvm.

J fystv ath vtan ferða stef[ningar skyl]ldvm viær aungvar hafa vtan [þeir menn sem dæm]der verða af vorvm monnum æ alþingi bvrt af landinv. Jtem ath jslendzker sie lavgmenn og syslmenn hier a landinv af þeirra ætt sem ath fornv hafa godordin vpp gefit. Jtem ath sex hafskip gangi til landzsins æ hveriv are for falla lavst. Erfder skvlv vpp gefazt fyrir jslendzkvm monnum j norege hversv leingi sem stadit hafa þegar rættar arfar koma til edr þeirra vmbodz madr. Landavrar skvlv og vpp gefazt. Jtem skvlv slíkan rett jslendzker menn hafa j noregi sem þeir hafa beztan haft.

Jtem ath konungr late oss na frídi og jslendzkum lavgvm epter því sem lavgbok vor vottar og hann hefr bodit j sinvm brefvm sem gvd gefr honum framazt vit til. Jtem jall vilvm vær hafa yfer oss meðan hann helldr trönad við ydr enn frídi við oss. Hallda skulum viær og vorir arfar allan trönad við ydr meðan þier og ydrer arfar halldit trönad við oss og þessar sattargiorder fyrir skrifadar en lavser ef rofin verdr af ydvare alfv ath beztu manna yfersyn. et cetera.

AM 136 4°, FOLS 105R–105V

The manuscript begins with miscellaneous writings on fol. 1r, followed by *Jónsbók* and several *réttarbætr*, among which the document of the submission transcribed below, *Kristinn réttir Árna biskups*, statutes and ordinances, all written *c.* 1480–1500. There follow miscellaneous texts—verse, runes, *réttarbætr*—written during different periods of the fifteenth and sixteenth centuries. At the front of the manuscript, Árni Magnússon has written a list of contents, calling this document “Hylling Jslendinga, utgefin til Hakonar Noregs kongs”. Cf. *NgL*, III, no. 62, pp. 145–46, variant B.

vm hervd

J Nafni fodr *og* sonar *og* heilags anda. Var þetta jad *og* samþykkt af almv-ganvm æ alþingi vm handgengna menn meðr fllv þingtaki at vorvm vird-vligvm herra Hakoni noregs konvngi hinvm koronada bidivm ver fullkominn godvilia vora pionvstv manna at hafa *og* hallda þa logbok sem hinn signadi magnvs konvngr sendi vt *og* ver sorvm næst. Alla vilivm ver *og* eida vora hallda vit kongdominn under þa grein logmannzins sem samþykkt var millvm kong-domsins *og* þegnanna þeirra sem landit bygdu. Er su hin fyrsta at ver vilivm giallda skatt *eda* þingfarar kavp xx alner sem logbok vottar *og* alla þa þegn skyldv sem logmenn votta med stoddvm endimorkvm oss æ hendr. Her æ mot saker fataektar landzins *og* naudsynia þessa folks er landit bygger at na þeim heitvm moti því goz er heitid var skattinvm j fyrstv af konvngsins alfv. En þat erv þav heit at islendzker se syslv menn *og* logmenn æ landi vorv *og* þvílikan skipa gang hafa sem heitit var æ hveriv ari vt hingat forfallalavst *og* þeim gædvvm hladin sem nyttsamlig se landinu. Vilivm ver ongvvar utan stefningar hafa frammar en logbok vottar þvíat þar hofum ver margfalldan skada af fengit *og* vid þat þykiumz ver eigi bua mega. En allr sa land skapr er os bydr meira afdratt *eda* þyngsl en adr er suarit *og* samþykkt þa siaum ver med ongu moti at under megi standa saker fataektar landzins uos. En halfu sidr² þorum ver fyrir vorum herra Jhesu Christo at ja nu meira undan þeim guds olmosum sem adr med guds miskunn hofum ver veittar oss til salu botar. Bidivm ver einkan-liga virduligan herra Hakon konung hinn koronada *og* alla adra dugandis menn at þeir þraungui oss eigi frammar en log votta til meire alaga. Þa gefi vor herra Jhesus Christus at þetta vort rad verdi sialfum gudi til tignar *og* virdingar ollum helgum til lofs *og* dyrdar *og* konunginum j noregi *og* ollu hans rettu radu neyti til vegs *og* æru. ollum saman til fridar *og* frælsis.

AM 137 4°, FOLS 3V-4R

See above. The folios on which the document is transcribed are stained; several words can only be read with the help of the transcription in *DI*, and are supplied from there. Cf. *DI*, II, no. 177, pp. 334–36.

J nafni faudur ok sonar og heilags anda. war þetta jad og samþykkt af almu-ganum æ alþingi vm handgengna menn med fullu þingtaki at worum vird-ulegum herra hakone noregs konungi hinum koronada biodum vær fulkominn goduilia varra pionusto manna at [hafa og] hallda þa logbok sem hinn sig-nadi magnus konungr sende ut sem vær sorum næst. Alla vilium vær og eida vora halda vid kongdominn undir þæ grein logmannzins sem samþykkt war

² 'Sidr' is written above the line.

millum konungdömsins ok þegnanna þeirra sem landit byggja. Er su hin fyrsta at uær vilium giallda skatt [eda þingfarar] kaup xx alnar sem logbok vottar og alla þa þegnskyldu er login uotta med [stod]dum endimörkum oss æ hendur. Hier æ mot sakir fatektar landzins og navdsynia þess folks er landit byggja at næ þeim heitum mote þui godzi er heitid war skattinum [j fyrstu] af konungsins halfu. Enn þat eru þua heit at islenzker se sylsumenn og laugmenn æ lande voru og þulikan skipa [gang hafa] sem heitid war æ hueriu are ut hingat forfallalaust og þeim [gædum hladin sem nytsamlig se land]inu. Vilium vær engar utan stefningar hafua framar enn [logbok wottar þui at þar hofum] vær margfaldan skada af fengit og wid þat þickiumz vær eigi bua mega. En allur sa bodskapur er oss bydur meira afdratt edur þyngsl en adur er suarinn og samþycktur þa sium vær [med ongu] mote at vnder megi standa saker fatektar landzins. En halfu sidur þorum vær fyrri vorum herra jesu christo at ia nu meira vndan þeim gudz aulmosum sem adur med gudz miskun hofum [vær] ueittar oss til salu hialpar. Bidium vær einkaliga virduligan herra hakon konung enn [koronada] og alla adra dugandis menn at þeir þrongui oss eigi framar e[n l]aug votta til meire alaga. Þat gefi vor herra jesu christus at þetta uort ræd verdi sialfum gudi til tignar og uirdingar. Ollam helgum til lofs og dyrdar og konunginum j noregi og aullu hans retto raduneyte til vega og virdingar enn oss til fridar.

AM 456 12°, FOLS 36R–37R

See above. Cf. *NgL*, III, no. 62, pp. 145–46, variant A and *DI*, II, no. 177, pp. 334–36.

Vm samþycktt almugens

J Nafni faudr og sonar og heilags anda. war þetta iad og samþycktt af almu-ganum a alpingi um handgengna menn med fullu þingtaki at uorum uirduligum herra. hakoni noregs konungi hinum korunada. biodum ver fullkominn goduilia uora pionustu manna at hafa og hallda þa logbok sem hinn signadi magnus konungr sendi wt sem uer sorum næst. Alla uilium ver og eida uora hallda vit kongdominn under þa grein laugmannzins sem samþycktt uar millum kongdömsins og þegnanna þeirra sem landit byggja. Er su hin fysta at ver uilium giallda skatt edr þingfarar kaup xx alner sem logbok uottar og alla þa þegn-skyldu er logmenn votta med stoddum eide og endimörkum oss a hendr Hier a mot saker fatektar landzins og naudsynia þessa folks er landit bygger at næ þeim heitum j moti þvi godzi er heitid uar skattinum j fyrstu af konungsins halfu. En þat eru þau heit at islendzker se sylsumenn og logmenn æ landi uoru og þulikan skipagang hafa sem heitid uar æ hueriu æ ri skyldi skip koma ut hingat forfallalaust og þeim gædum hladin sem nytsamlegt se landinu. Vilium vær aunguar utanstefnur hafa framar en logbok vottar þviat þar hofum uær margfaldan skada af feingit og uit þat þickiumzt uær eigi bua mega. En allr sæ landskapur er oss bydr meira afdratt edur þyngsl en adr er suarit og samþycktt þa sium uær med aungu moti at under megi standa sakir fatektar

landzins. En halfu sidur þorum uær fyrir uorum herra jhesu christo at jata nu meira undan þeim guds aulmosum sem adr med guds myskunn hofum uær ueittar oss til saluhialpar. Bidium uær einkanliga uirduligan herra hakon konung en koronada og alla adra dugandis menn at þeir þrongui oss eigi frammar en log uotta til meire alaga. Þa gefi uor herra jhesus christus at þetta uort rad verdi sialfum gude til tignar og uirdingar enn aullum helgum til lofs og dyrdar og konginum j norige og aullum hans rettu raduneyti til uegs og uirdingar en oss til fridar og frelsis. amen.

AM 45 8°, FOLS 10R–10V

The manuscript, which is in a fragmentary form, begins with *Jónsbók* (the end of which is defective), followed by several *réttarbætr*, among which the text of the submission transcribed below, all written c. 1550–1600. There follow *réttarbætr*, *formulae*, and other miscellaneous legal texts. The text stops at the end of fol. 10v with the abbreviation for ‘slikri’, and on fol. 11r there follows a text similar to those which scholars have classified as corresponding to a 1302-agreement. Cf. *DI*, I, no. 152 A, pp. 620–21.

Samþykkt³

Þat var sam mæli bænda fyrir nordan land og sunan at þeir jatudu æfinlegann skatt herra [N.] konungi land og þegna med suordum Eidi xx alnir huer sæ madr sem þingfararkaupi [æ] at gegna. Þetta fie skulu saman færa hreppstiorar og til skips og fæ j hendr konungs vmbodz manni og vera þ6 vr æ byrgd vm þat fie. Hier j mot skal konungr lata oss næ fridi og jslendskum laugum. Skulu vj skip ganga af Noregi til Jslandz ij sumr enu næstu enn þadan j fra sem konungi og hinum beztum Bændum landzins þikirr hentazt landino. Erfdir skulu vpp gefazt fyrir Jslendskum monnum j noregi. huorsu leinngi sem þær hafa stadit þegar rettir koma arfar til. eda þeirra lauglegir vmbodz menn. Landaaurar skulo vpp gefazt. Slikann rett skulu jslendskir menn hafa j noregi sem þær er þeir hafa bestann haftt og þier hafit sialfir bodit j ydrum bréfum og at hallda fridi yfir oss so sem Gud gefr ydr framaztt afl til. Jarlinn vilium vier yfir oss hafa medan hann helldr trunad vid ydur enn frid vid oss. Skulu vier og vorir arfar hallda med ydur allann trunad medan þier og ydrir arfar hallda vid oss þessa sattargjord. Enn lausar ef hun ryfst at beztu mana yfir syn. Til þess legg eg haund æ helga bok og þui skyt eg til Guðz at eg suer hakoni konungi og Magnuse land og þegna og æfinlegan skatt med slikri.

³ The following characters have almost completely faded.

GERM 2065 4°

The manuscript is written in Danish and Icelandic and begins with miscellaneous legal articles (*lagabálkar*), followed by *Speculum regale*, *réttarbætr*, the document of the submission transcribed below, a document similar to those which scholars have classified as corresponding to a 1302-agreement, and miscellaneous legal texts, all written in the middle of the sixteenth century. The manuscript contents are fully described in Sveinn Bergsveinsson, 'Handritið Germ Quart. 2065', *Landsbókasafn Íslands*, 26 (1960–1970), 135–55, with a picture of the document of the submission (fol. 191v), on which the transcription below is based.

Hier eptir finst sa sattmale sem islenskir
menn hafa giort við noregs konga

Þetta var giort samtekið og iatað og samþykkt af bændum a islande j fyrstu að þeir iata æfinligann skatt og þegna hera hakone konge og magnuse konge með svorðum eide viij alnir vadmals hver maður sa þingsfarar kaupa a að gegna þetta fie skulu saman færa hrepstiorar og til skips flytia. Og fa j hendur umbodz monnum kongs og vera þa ur abyrgd um það fie. Hier *motz* skal kongur lata oss na islenskum logum. skulu vj hafskip ganga af noreige til islandz ij sumur hinu næstu. enn þaðan af so sem konginum og hinum bestom monnum landzins þickir hentast vera landinu. Erfdir skulu up gefast fyrer islenskum monnum j noreige hversu leinge sem stadi hafa þegar riettir arfar koma til edur þeira umbodz menn. Landaurar skulu up gefast islenskum faurum j noreige. Slickan riett skulu islenskir menn hafa j noreige sem þeir hafa bestum haft. og þier hafid sialfer bodit j ydrum brefum og medan þier halldit frid vid oss so sem gud gefur ydur framast aufl til. Jarl vilium vier yfer os hafa medann hann helldur trunad vid ydur og oss. Hallda skulu vier og vorer arfar allann trunad vid ydur medan þier og ydrer arfar hallda vid oss þessa sattargiord. Enn laus ef hun ryftz med hinum bestu manna yfer syn. Et *cetera*.

APPENDIX 3

HARALDR INN HÁRFAGRI IN THE *ÍSLENDINGASÖGUR*

This appendix comprises a list of descriptions, found in the *Íslendingasögur* (a term which is used here to refer to the sagas contained in the first fourteen volumes of the *Íslensk fornrit* editions, with the addition of *Færeyinga saga*), of Haraldr inn hárfagri and his conflict with the Norwegians who left for Iceland. In these accounts, the sentiments emphasized by the description of the settlement of Iceland discussed in Chapter 4 are evident: the loss of *óðal* which Haraldr inn hárfagri's rule forces upon the high-born Norwegians and which thus drives them to Iceland. I provide checklists of recurrent words or terms which express these sentiments; they are also signalled in italics in the passages.

Bárðar saga

álaga

ánauðarok

Fóru þeir þá heim aptr í Skjálfta ok bjuggu þar, til þess er Haraldr konungr lúfa efldist til ríkis í Nóregi. Ok er hann var fullgerr í því starfi, varð hann svá ríkr ok ráðgjarn, at sá skyldi engi maðr vera í milli Raumelfar suðr ok Finnabús norðr, sá er nökkurs var ráðandi, svá at eigi gyldi honum skatt, jafnvel þeir, sem saltit brenndu, svá sem hinir, sem á mörkinni yrktu.¹ En er Bárðr frétti þetta, þóttist hann vita, at hann mundi eigi heldr undan ganga þessum hans *álögum* en aðrir; vildi hann þá heldr láta frændr ok fóstjarðir en lifa undir slíku *ánauðaroki* sem hann frétti, at allr almúginn var þá undirgefinn. Kom honum þat þá helzt í hug at leita annarra landa (*Bárð*, chapter 2, pp. 106–07).

¹ Compare to *Eg.*, chapter 4, pp. 11–12

*Eyrbyggja saga**ófridr**flýja óðul sín**gofgir menn*

Þetta var í þann tíma, er Haraldr konungr inn hárfagri gekk til ríkis í Nóregi. Fyrir þeim *ófríði flýðu* margir *gofgir menn* óðul sín af Nóregi, sumir austr um Kjýlu, sumir um haf vestr; þeir váru sumir, er heldu sik á vetrum í Suðreyjum eða Orkneyjum, en um sumrum herjuðu þeir í Nóreg ok gerðu mikinn skaða í ríki Haralds konungs. Bændr kærðu þetta fyrir konungi ok báðu hann frelsa sik af þessum *ófríði* (*Eb*, chapter 1, pp. 3–4).

*Flóamanna saga**gildir menn**stökkva undan**flýja óðul sín**ófridr**ofríki*

Eptir fall Atla jarls mjóva safnaði liði Sigurðr jarl, son Hákonar gamla, með ráði Haralds konungs ins hárfagra ok vildi drepa Hallstein. Við þetta *stökk* Hallsteinn *undan* ok út til Íslands fyrir þessum *ófríði*, sem þá gerðu *margir gildir menn*, at þeir flýðu óðul sín fyrir *ofríki* Haralds konungs ok unnu áðr stórvirki nokkur (*Flóam*, chapter 4, pp. 237–38).

*Færeyinga saga (Flateyjarbók)**flýja*

Maðr er nefndr Grímr kamban hann bygde fystr <manna> Færeyiar <.en> a döðum Haralldz hins harfagra *flydu* fyrir hans of ríki fiolde manna settuzst sumir j Færeyium ok bygdu þar en sumir léitudu til annarra eyde landa (*Fær*, p. 3).

*Gísla saga Súrssonar**stórmenni**yfirgangr*

Þat er upphaf á sögu þessi, at Haraldr inn hárfagri réð fyrir Nóregi. Hann var fyrstr einvaldskonungr um allan Nóreg—af hans ætt hafa allir síðan höfðingjar verit í Nóregi—ok urðu margir landflótta fyrir honum til ýmissa landa, ok váru þat meir *stórmenni*, fyrir því at þeir vildu eigi *yfirgang* hans þola, en þóttusk eigi hafa styrk til mótstöðu við hann. Um hans daga fannsk Ísland ok byggðisk (*Gísl*, chapter 1, p. 3).

Þat hafði *álag* verit Haralds konungs ins hárfagra, at hann eignaðisk jarðir allar í Nóregi, byggðar ok óbyggðar, ok jafnvel sjóinn ok vötnin; skyldu allir hans jarðbyggjendr vera (*Gísl*, chapter 5, p. 17).²

Grettis saga

ófriðr

ágætir menn

flýja óðul sín

stökkva um haf

ófriðr

Þenna tíma var *ófriðr* mikill í Nóregi; brauzk þar til ríkis Haraldr lúfa, sonr Hálfðanar svarta; hann var áðr konungr á Upplöndum (*Gr*, 7, chapter 2, p. 4).

Þá váru fyrir vestan haf *margin ágætir menn*, þeir sem *flýit hofðu óðul sín* ór Nóregi fyrir Haraldri konungi, því at hann gerði alla útlæga, þá sem í móti honum hofðu barizk, ok tók undir sik eignir þeira. . . . Geirmundr kvað þá orðinn svá mikinn styrk Haralds konungs, at honum þótti þess lítil ván, at þeir fengi þar sömðir með hernaði, er menn fengu þá ósigr, er at var dreginn náliga allr landslýðr; kvezk ok eigi nenna at gerask konungsþrell ok biðja þess, er hann átti áðr sjálf; kvezk heldr mundu leita sér annarra forráða (*Gr*, chapter 3, pp. 6–7).

Ófeigr *hafði stokkit um haf* vestr fyrir *ófriði* Haralds konungs . . . Þann er eptir hafði verit í Nóregi, meðan *ófriðr* var sem mestr (*Gr*, chapter 3, pp. 8–9).

Harðar saga Grímkelssonar eða Hólmverja saga

stór ætt

vera mikillar lundar

flýja eignir sínar

ofríki

ágangr

ójafnaðr

Á dögum Haralds ins hárfagra byggðist mest Ísland, því at menn þoldu eigi *ánaud* hans ok *ofríki*, einkanliga þeir, sem *váru stórrar ættar ok mikillar lundar*, en áttu góða kosti, ok vildu þeir heldr flýja eignir sínar en þola *ágang* ok *ójafnað*, eigi heldr konungi en öðrum manni (*Harð*, chapter 1, p. 3).

² Compare to *Eg.*, chapter 4, pp. 11–12

*Orms þáttur Stórolfssonar**stökkva ór landi*

Hængr hét maðr . . . Hann varð í missætti við Harald konung Dofrafóstra af drápi Hildiríðarsona, ok því stökk hann ór landi (*OStór*, chapter 1, p. 397).

*Svarfdæla saga**tignir menn**flyja óðul sín**ofríki*

Þat er upphaf at þessari sögu, [at] Haraldr konungr inn hárfagri réð fyrir Nóregi (*Svarfd*, chapter 1, p. 129).³

Hofðu þá margir tignir menn í Nóregi flúið óðul sín undan ofríki Haralds konungs hárfagra, ok fóru sumir vestr um haf til Hetlands ok Orkneyja ok byggðu þar, en margir fóru til Íslands, ok tók þat nú at verða mjök albyggt. (*Svarfd*, chapter 11, p. 210).

*Víglundar saga**míkils háttar menn**stór ætt**flyja ór Nóregi**fyrirláta óðul sín**álaga**þrælkan**ánaudarok*

Haraldr inn hárfagri, son Hálfðanar svarta, var þá einvaldskonungr yfir Nóregi. . . . Haraldr var allra manna vitrastr ok vel búinn at íþróttum öllum, þeim er konungligri tign byrjaði. . . . En eigi var hitt þó með minna móti, at þeim þreifst öngum, er í móti gerðu hans vilja, sumir urðu landflæmdir, en sumir drepnir; kastaði konungr þá sinni eign á allt þat, er þeir áttu eptir, en margir míkils háttar menn flyðu ór Nóregi ok þoldu eigi álögur konungs, þeir sem váru af stórum ættum, ok vildu heldr fyrirláta óðul sín ok frændr ok vini en liggja undir þrælkan ok ánaudaroki konungs, ok leituðu mjök til ýmissa landa. Um hans daga byggðist mjök Ísland, því at þangat leituðu margir þeir, sem eigi þoldu ríki Haralds konungs (*Vígl*, chapter 1, p. 63).

³ This text is a conflation of several manuscripts. See the introduction of *Íslenzkar fornsögur*, ed. by Guðmundr Þorláksson and Finnur Jónsson, 3 vols (Copenhagen: Möller, 1880–83), III, pp. iii–xlvi (iii–xviii).

*Þorsteins þáttur tjaldstæðings**stórvirki**fjýs*

Síðan varði hann fýðurleifð sinni í silfr ok lausafé ok kvezk ætla, at hann mundi eiga keppa við Harald konung. En þá var fôr mikil til Íslands ór Nóregi eptir þau *stórvirki*, er menn ráku harma sinna (*ÞTjald*, chapter 2, p. 429).⁴

‘Ek hefi farit, <sem> sumir aðrir; heldr skyndiliga af Nóregi með vandkvæði ok nú í sökum við Harald konung. Nú vilda ek hér staðfestask ok vera *fjýs*’ (*ÞTjald*, chapter 2, p. 430).⁵

⁴ The *þáttur* starts with the story of Ásgrímr, who challenged Haraldr inn hárfagri, refusing to pay his taxes. Instead, he sent gifts to the king. Haraldr said that he was the king and the one who made the laws there, and ordered his men to kill Ásgrímr. The passage tells that when Ásgrímr’s son, Þorsteinn tjaldstæðingr, heard the news of his father’s death, he decides to leave the country.

⁵ Þorsteinn eventually avenged his father; the passage narrates what he says when he arrives in Iceland.

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GLOSSARY

The following list gives explanations of frequent words which are left untranslated (in italics) in the text. Untranslated words which do not appear frequently in the text, but appear in the Index, are also listed here. Entries are listed according to the following alphabetical order: a, b, c, d, ð, e, f, g, h, i, j, k, l, m, n, o, p, q, r, s, t, u, v, w, x, y, þ, æ, œ, ǫ.

aðalborinn maðr, see *hóldr*

Alþingi, General Assembly of Iceland

Austfirðingar, people from the east fjords of Iceland (*Austfirðir*)

berserkr, a frenzied warrior, or as in Chapter 4 above, a bully

Bjarkeyjarréttir, Norwegian laws

bondaréttir, the legal status and rights of a *bóndi* (Norway)

bóndi, pl. *bændr*, a land-owning farmer

Borgarþingslög, Norwegian laws

bændr, see *bóndi*

Eidsiðingslög, Norwegian laws

Frostþingslög, Norwegian laws

Gamli sáttmáli, literally Old Agreement

Gizurarsáttmáli, literally Gizurr's Agreement

goðorð, chieftaincy

Grágás, a collection of laws which is considered to be the main source of Icelandic

laws for the period preceding the submission to the Norwegian king (c. 1262)

Gulapíng, the Gula Assembly, Norway

Gulapingslög, Norwegian laws

háðung, mocking poetry, the composition of which constituted a crime

hauldr, see *hóldr*

hersir, pl. *hersar*, a chieftain in Norway before the time of Haraldr inn hárfagri

hirð, a royal retinue, see *hirðmaðr*

hirðlög, the laws and statutes of the *hirð*; see *hirðmaðr*

hirðmaðr, pl. *hirðmenn*, a royal retainer

Hirðskrá, laws and statutes of the *hirð* in Norway

hóldr, a free landowner in Norway; used in the *Gulapingslög* interchangeably with

óðalborinn maðr [man born into his *óðal*] and *aðalborinn maðr*

hóldsréttir, the legal status and rights of a *hóldr*

Íslendingasögur, Sagas of Icelanders, also called Family Sagas, sagas about Icelandic settlers. For the sake of simplicity, in this book the term *Íslendingasögur* refers to the first fourteen volumes of the *Íslensk fornrit* editions, with the addition of *Færeyinga saga*

Íslensk fornrit, Icelandic editions of the sagas

jarl, pl. *jarlar*, a nobleman of rank immediately below a king in Norway

Jámsíða, an Icelandic law-book, approved in the *Alþingi* in 1271–1273

Jónsbók, an Icelandic law-book, approved in the *Alþingi* in c. 1281

landaurai, land-dues

leigumaðr, pl. *leigumenn*, a man who held property from the king, a sort of tenant

lendr maðr, pl. *lendir menn*, a land-holder, a nobleman of rank immediately below a *jarl*

lögmaðr, pl. *lögmenn*, the presiding judge of the Law Council

lögsgmaðr, pl. *lögsgumenn*, Old Icelandic term which seems to have been correlated

- to the Norwegian term *løgmaðr*, which was introduced in Iceland with the law-code *Járnsíða*
- níð*, slander, punishable by law
- Oddaverjar*, people from Oddi, in the south of Iceland
- óðal*, pl. *óðul*, ancestral land, allodial land
- óðalborinn maðr*, see *hóldr*
- réttarbætr*, pieces of legislation, amendments of the law, royal ordinances
- Síðumenn*, people from Síða, in the east of Iceland
- skáld*, a poet
- skattland*, tributary land
- skatt*, tribute
- Vestfirðingar*, the people from the Vestfirðir, Iceland
- þing*, assembly
- þingfararkaup*, a tax for travelling to the *Alþingi*
- þættir*, the plural form of the word *þátt*, a strand of hope, and also a section (in the law, for instance). It is also used for stories shorter than sagas, as in Chapter 4 above.

INDEX

Entries are listed according to the following alphabetical order: a, b, c, d, ð, e, f, g, h, i, j, k, l, m, n, o, p, q, r, s, t, u, v, w, x, y, þ, æ, œ, ö, ø. Just for the index (and not the bibliography), Icelandic names are alphabetized under first names, e.g., ‘Einarr Þorvaldsson’, ‘Hallvarðr gullskór’, rather than ‘Þorvaldsson, Einarr’, ‘gullskór, Hallvarðr’.

aðalborinn maðr, 81; see also *hóldr*
Ágrip af Noregskonunga sögum, 73, 205
Alþingi (Iceland), 42, 46, 48, 65, 87,
 92–96, 102, 115, 116, 117, 119,
 153, 156
Annales regii (GKS 2087 4°), 101, 103,
 104, 107, 114
Annales vestustissimi (AM 415 4°), 103,
 141
 annals, see Icelandic annals
 Ari prestur inn fróði, 11–14, 19–20
Árna saga biskups, 48, 49, 120, 123
 Ásgrímur Þorsteinsson, 97–98
 Auerbach, Erich, 28
Austfirðingar, 95–96, 107, 166; see also
 Austfirðir
 Austfirðir, the east fjords of Iceland,
 95–96, 156
 authorship, mediaeval, 11–12, 21; early
 modern, 11, 13, 20–21; see also
 manuscript culture

Bandamanna saga, 155, 156, 186–87
Bergsbók (Holm perg 1 fol), 19
Bjarkeyjarréttir, 82–83
 Bjarni á Auðkúlustöðum, 98
bondaréttir, 82, 194; see also *bóndi*
bóndi, pl. *bændr*, 17, 81, 82, 91, 92–93,
 95–96, 98–100, 119, 120, 145–47,
 149–50, 182, 190, 199–200
 Borgarfjörðr, region in the west of
 Iceland, 92–93, 95–96, 103, 156
Borgarþingslög, 55
Brennu-Njáls saga, 155–58, 160, 166,
 187, 191–92
bændr, see *bóndi*

 Cerquiglini, Bernard, 23–24, 27
 Clausson, Peder, 15, 16–19
Codex Frisianus, see *Fríssbók*
Codex Rantzovianus (DonVar 137 4°), 55
Codex Regius, see *Konungsbók*

Codex Resenianus, 55
 Council of the Realm (Norway), 14
 Curtius, Ernst Robert, 28

Egils saga Skalla-Grimssonar, 2, 6–8,
 20, 21–22, 27, 29–31, 33, 54,
 154–58, 160–73, 174–76, 178, 182,
 186, 195–97, 198–202, 205, 207
Eidsiðingislag, 54, 55
 Einarr Þorvaldsson, 93, 95–96, 97–98
 Eindriði böggull, 49, 120
 Eiríkr blóðøx Haraldsson, King of
 Norway, 177, 197
 Eiríkr Magnússon, King of Norway,
 104, 107, 120
Eirspennill (AM 47 fol), 91, 99, 104,
 133, 118
 Erik of Pomerania, King of Denmark,
 Norway and Sweden, 109, 134, 135
 Eyjafjörðr, 98–99, 156, 185

 Faroes, 71, 200, 202
Finnboga saga, 155, 156, 158, 178, 179–82
Flateyjarbók, 94–95, 97–98, 100, 103,
 141, 147, 159
Flateyjarbókar annálar (GKS 1005 fol),
 103, 141
 Frederik I, King of Denmark and
 Norway, 15, 148
 Frederik II, King of Denmark and
 Norway, 9
Fríssbók (AM 45 fol), 10–11, 12, 13, 32,
 70, 91–92, 95, 97–99, 104, 147
Frostþingslög, 53, 54–55, 57, 65, 81

Gamli sáttmáli, 2–3, 87–90, 94, 103,
 105, 106–11, 144–45, 150, 152
Gauks saga Trandilssonar, 193–94
 Geirr auðgi Þorvaldsson, 98
Gesta Danorum, see Saxo Grammaticus
Gizurarsáttmáli, 2–3, 87–90, 93–94, 105,
 106–11, 113, 144–50, 152

- Gizurr Ísleifsson, Bishop of Skálaholt, 44, 62
- Gizurr Þorvaldsson, *jarl*, 87, 91–92, 94–98, 100, 101, 102, 141
- Grágás, 43–58, 59–62, 64, 65, 67, 68, 74, 76, 77–78, 88, 114, 118, 119, 211; see also *Ólafslög*
- Guðmundr frá Hrafnagili, 98
- Gulapíng, 195
- Gulapíngslög, 53, 54, 55, 57, 80, 82, 83, 84, 194
- Gunnlaugs saga ormsungu, 11–12
- háðung, 67–69
- Hákon Aðalsteinsföstri Haraldsson, King of Norway, 54, 57, 171, 177, 185, 187, 196
- Hákonar saga Hákonarsonar, 11, 20, 32–33, 91–93, 94–96, 99–100, 147
- Hákon Hákonarson, King of Norway, 23, 30, 78, 87, 92–108, 113–17, 120, 127, 146, 149, 208
- Hákon háleggr Magnússon, King of Norway, 107, 109, 114, 117
- Hákon hertogi, brother of King Eiríkr Magnússon, 107
- Hákon Sigurðarson, *jarl*, 9, 166, 179–180, 181, 191–92
- Hallfredar saga, 155, 156, 177–78, 192–93
- Hallr af Møðruvöllum, 98
- Hallr tísti, 98
- Hallvarðr gullskór, 92–98, 103, 114, 116, 122
- Hansson, Laurents, 9–10, 11, 12–16, 17, 18, 20
- Haraldr inn harðráði, King of Norway, 62
- Haraldr inn hárfagri, King of Norway, 32, 73, 154–55, 160–80, 182, 187, 194, 195, 197–207
- Haralds saga ins hárfagra, 20, 32, 170, 197–203
- hauldr, see *hóldr*
- Hebrides, 71, 123, 152, 166, 200, 202
- Hegranes, district in the north of Iceland, 93, 95, 96
- Hegranes Assembly, see Hegranes
- Heimskringla, 2, 6–12, 16–23, 32, 37, 72, 198
- hirð, see *hirðmaðr*
- hirðlög, see *hirðmaðr*
- hirðmaðr, pl. *hirðmenn*, 49, 91, 95, 136, 166–69, 187
- Hirðskrá, 142; see also *hirðmaðr*
- hirðstjóri, 123
- Historia Norvegiae, 191–92, 204–05
- historical sources, and annals, 5, 34, 39, 47–50, 75, 104–05; and legal texts, 50–58; and sagas, 32–42
- Historiographical revival of the 16th century, 14–16, 149–50, 211
- Hjalti Skeggjasson, 73
- Hrafn Oddsson, 93, 95–98, 103, 142
- Húnaflói, region in the north-west of Iceland, 156
- hóldr, 66, 80–85, 165, 194, 196
- hóldsréttir, 66, 74–75, 80, 82, 85, 165, 194, 196; see also *hóldr*
- Icelandic annals, 5, 34, 39, 47–48, 75, 88–89, 101–06, 107, 108, 115, 120, 123, 124, 126, 130, 132–33, 138, 141–42, 143, 150, 151, 153; see also *Annales regii*; *Annales vestustissimi*; *Flateyjarbókar annálar*; *Lögmanns annáll*; *Skálholts annáll*; *Resensannáll*; historical sources; Icelandic submission
- Icelandic School, 30–31; see also Sigurður Nordal
- Icelandic submission, 1–3, 29, 32–33, 41, 45–46, 49, 50, 53, 56, 57, 68, 75, 78, 87–153, 211–12; 15th-century documents, 112–44; 16th-century documents, 144–50; annals, 101–06; Icelandic laws, 45–46, 48–50, 53, 56–57, 78; idea of political decadence, 29, 32–33, 151–53; sagas, 91–101, 105–06
- Illugi Gunnarsson, 98
- inheritance, laws in Iceland and Norway, 61, 67, 75–79, 83–84; and *Egils saga*, 161, 195–96
- Ísleifr Gizurarson, Bishop of Skálaholt (Iceland), 19, 44, 62
- Íslendingabók, 47, 73, 155, 203–04
- Íslendinga saga (part of *Sturlunga saga*), 31, 32–33; see also *Sturlunga saga*
- Íslendingasögur, 34, 159, 172, 176, 182, 195, 206–07
- Íslensk formrit, 25–26, 28–29; see also Sigurður Nordal; Icelandic School
- Isle of Man, 123, 152
- Ívarr Arnljótartson, 94–95, 103
- Ívarr Englasson, 99–100
- Járnsidea, 47–54, 57, 68, 78, 88, 113, 115, 116, 121, 122, 123, 138, 142, 151, 153

- Jónsbók*, 48, 52, 53–54, 61, 68, 78, 88, 111–12, 114–15, 116–19, 122, 123, 138, 140, 142, 146, 151, 153
- Kálfr Brandsson, 98
- Konungsbók* (GKS 1157 fol), 42, 45, 48, 50, 51, 54–55, 57, 59–64, 67–68, 74, 76, 77–78, 118
- Kormaks saga*, 155, 156, 176–78
- Kristinn réttir Árna biskups*, 111–12
- Kristinn réttir Jóns erkibiskups*, 55
- Landnámabók*, 47, 155, 156, 205
- Landslög of King Magnús Hákonarsson*, 55, 65, 83
- Lárentíus saga biskups*, 32, 141
- Law Council (Iceland), 93, 96–97, 121
- Law of King Óláfr Haraldsson, see *Ólafslög*
- Laxdæla saga*, 70, 155, 156, 158, 160, 163–64, 173–76, 178, 187–91, 205
- legal thought, 2, 50–58; German Legal Positivism, 47, 50–54; Socio-cultural School, 57–58; Legal Semiotics, 49
- leigumaðr*, pl. *leigumenn*, 163, 167–68, 175, 195
- lendr maðr*, pl. *lendir menn*, 80, 115, 161, 162, 164–65, 168
- Lögmanns annáll* (AM 420 b 4°), 102, 132–33, 134, 141
- logmaðr*, pl. *logmenn*, 115, 121–24, 136, 146
- logsgmaðr*, 121–22; see also *logmaðr*
- Magnús Erlingsson, King of Norway, 11
- Magnús Hákonarson, King of Norway, 48, 73, 107, 116, 117, 125, 142, 146, 150
- Magnús inn góði Ólafsson, King of Norway, 118
- Magnúss saga Erlingssonar*, 11
- Magnúss saga Hákonarsonar*, 116
- Magnúss saga ins góða*, 118
- manuscript culture, 2, 23–25, 28–29, 31, 210
- Margaret, Queen of Denmark, Norway and Sweden, regent of Erik of Pomerania, 134
- Morkinskinna* (GKS 1009 fol), 159, 210
- Möðruvallabók* (AM 132 fol), 3–4, 24, 27, 33, 57, 153, 154–209; description, 156–60; sagas, 155, 160–97; geographical arrangement of the sagas, 156
- New Philology, 27
- Nichols, Stephen, 27, 28–29
- níð*, 67–68
- Njáls saga*, see *Brennu-Njáls saga*
- Oddaverjar*, 107, 113, 114, 116
- óðal*, pl. *óðul*, 45, 80, 81, 83–85, 161, 164, 172, 173, 175, 194, 196, 198, 199–200; archaeology, 85; see also *óðalborinn maðr*, *hóldr*
- óðalborinn maðr*, 80, 81, 195–96
- Óláfr inn digri, see Óláfr inn helgi Haraldsson
- Óláfr inn helgi Haraldsson, King of Norway (Saint Olaf), 2, 13, 20, 43–45, 57, 61, 70, 73, 79, 198, 203 (Óláfr inn digri); see also *Óláfs saga ins helga*
- Óláfr inn kyrr Haraldsson, King of Norway, 62, 82
- Óláfr Tryggvason, King of Norway, 69–70, 181, 191, 192–93; see also *Óláfs saga Tryggvasonar*
- Ólafslög* (law of Óláfr inn helgi Haraldsson), 43–45, 59–86; and *Grágás*, 59–64; and the power of the Norwegian kings, 64–75; and *hóldsréttir*, 80–84; witnesses, 43–44
- Óláfs saga ins helga*, 13, 27, 32, 57, 64, 70, 71–73, 75
- Óláfs saga Tryggvasonar*, 9, 22
- Orkney, 71, 122, 139, 142, 152, 165–66, 200, 201–02
- Orkneyinga saga*, 19
- Ormr Örmsson, 102, 107, 142
- Páll linseyma, 95
- Pedersen, Christiern
- Prose Edda*, 21; see also *Skáldskaparmál*
- Quarters (Iceland), 87, 93, 97, 107, 141, 144, 145, 147, 149
- Resensannáll* (AM 424 4°), 48
- réttaarbetr*, 61, 88, 111–12, 114–15, 117, 121, 123, 135–36, 138–39
- royal power, 30, 69, 162, 171, 177–78, 187–92, 202, 205, 209
- sagas, anonymity & authorship, 6, 11–13, 16, 21, 32–33, 210; as

- historical works, 32–42; and legal texts, 46–47, 56
- Saxo Grammaticus, 15–16
- Scandinavian Humanism, see Peder Clausson; Laurents Hannsøn; Christiern Perdersen; Mattis Størssøn; Anders Sørensen Vedel; Ole Worm; see also Saxo Grammaticus
- settlement of Iceland, 79, 154–55, 160, 166, 170–73, 178, 179, 182, 187, 191, 194, 197, 199, 201–05, 207–08
- Shetland, 71, 139, 166, 200, 202
- Síðumenn*, 107
- Sigurður Nordal, 6, 12, 29, 30
- Sigurðr ór Hvammi, 98
- Sigvarðr Þéttmarsson, Bishop of Skálaholt (Iceland), 93, 95–96, 100
- Sigvatr Bøðvarsson, 93, 95–96
- Sigvatr Þórðarson, *skáld*, 71–73
- Skagafjörðr, region in the north of Iceland, 97–100, 119
- Skáldskaparmál*, 81
- Skálholts annáll* (AM 420 a 4°), 48, 102, 103, 141
- skattland*, 68, 132, 152
- skattr*, 91–103, 113, 117–19, 135–36, 142, 145–47, 199
- Snorra Edda*, see *Prose Edda*
- Snorri Sturluson, 2, 5–21, 30, 31, 81, 126, 128, 129, 210–11; authorship attributions, 2, 5–21, 30, 81, 202, 210–11
- Staðarhólsbók* (AM 334 fol), 45, 47–51, 54, 55, 63, 67–68, 76, 77–78, 118
- Sturla Þórðarson, 32, 48, 49
- Sturlunga saga*, 30, 32, 34, 97–98, 100, 120
- Størssøn, Mattis, 15
- Svaning, Hans, tutor of King Frederik II, 9
- Sverris saga*, 133
- sýslumaðr*, pl. *sýslumenn*, 121–23, 136–37, 146
- Teitr Gizurarson, 42–43
- textual criticism, 6, 21–29; see also Erich Auerbach; Bernard Cerquiglini; Ernst Robert Curtius; Stephen Nichols; New Philology
- Union of Kalmar, 124, 134, 148
- Vatnsdæla saga*, 203–04
- Vedel, Anders Sørensen, 15
- Vestfirðir, the West fjords of Iceland, 92, 95–98, 101–02, 156
- Vestfirðingar*, 92, 93, 95–96; see also Vestfirðir
- Víga-Glúms saga*, 155, 156, 161, 183–87, 193–94
- Vígfúss Gunnsteinsson, 95–96
- Wolfenbüttelbók* (Wolf Aug 9 10 4°), 163
- Worm, Ole, 16, 17–20
- Þingfarar kaup*, 117–19, 145–46
- Þjórsá, river in the south-west of Iceland, 93, 95–98, 102
- Þoraldur hvíti, 91
- Þorgeirr Brandsson, 98
- Þórsnes Assembly (Iceland), 93, 95–96
- Þorvarðr af Saurbæ, 98
- Þorvarðr Þórarinnsson, 49, 95–96, 107
- Þverá Assembly (Iceland), 93, 95–96
- Þættir*, 159, 183, 206, 207
- Ólkofra þáttir*, 155, 156, 160